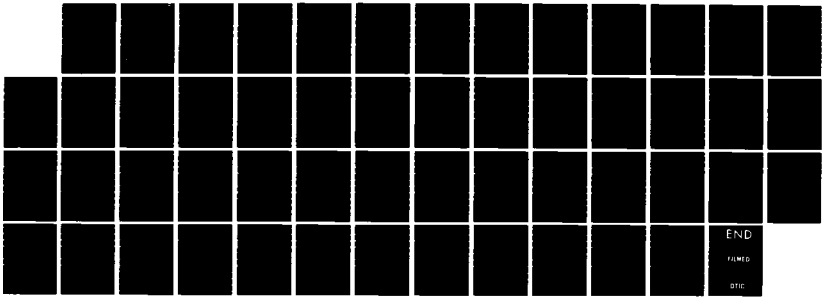
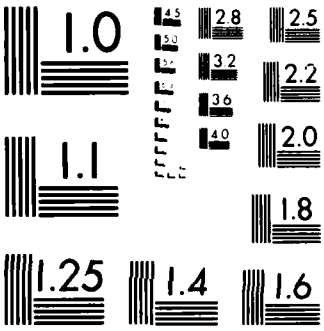
AD-A152 410 APPLICATION BY CHICAGO BRIDGE & IRON COMPANY FOR PERMIT TO DREDGE AND CON..(U) CORPS OF ENGINEERS CHARLESTON SC CHARLESTON DISTRICT NOV 76 1/1

UNCLASSIFIED F/G 13/2 NL





MICROCOPY RESOLUTION TEST CHART
NATIONAL BUREAU OF STANDARDS 1963 A

FINAL SUPPLEMENT

TO

FINAL ENVIRONMENTAL STATEMENT

Application by Chicago Bridge & Iron Company for Permit to Dredge and Construct a Pier and Dolphins in the Colleton River at Victoria Bluff, Beaufort County, South Carolina

U. S. ARMY ENGINEER DISTRICT, CHARLESTON

November 1976

(2)

APPENDIX A

LETTERS OF COMMENT

AND RESPONSES THERETO

ON THE DRAFT SUPPLEMENT

INDEX

LETTERS OF COMMENT

RESPONSES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

1421 PEACHTREE ST., N.E.
ATLANTA, GEORGIA 30309

December 8, 1975

Colonel Harry S. Wilson, USA
District Engineer
Charleston District
Corps of Engineers
P. O. Box [illegible]
Charleston, South Carolina 29402

Dear Colonel Wilson:

Our review of the Supplement to the Final Environmental Impact Statement for the Chicago Bridge and Iron Company raises new questions about the permit application. The deletion of a large portion of buffer area now introduces the possibility that a more environmentally damaging type of industry may develop in the 308 acres remaining in the buffer area. If the reason for this modification of the permit is to provide expansion for the Chicago Bridge and Iron metal plate fabricating plant, we would have no serious objection. If however, no such assurance is provided since the Supplement states that future disposition of the 308 acres is not conditioned.

With [illegible] assurance as to the future use of this additional acreage [illegible] need for reduction of the buffer zone. Formal [illegible] be obtained from Chicago Bridge and [illegible] subject to the open-ended nature [illegible]

Sincerely,

for John A. Little, Deputy

United States Department of the Interior

FISH AND WILDLIFE SERVICE
P. O. Box 12559
Charleston, South Carolina 29412

September 4, 1975

STATEMENT FOR PUBLIC HEARING CONCERNING THE REVISED APPLICATION BY CHICAGO BRIDGE AND IRON COMPANY FOR DEPARTMENT OF THE ARMY PERMITS TO PERFORM WORK IN THE COLLETON RIVER, BEAUFORT, SOUTH CAROLINA

My name is Curtis A. Laffin. I am the Biologist in Charge of the U. S. Fish and Wildlife Service's Field Office in Charleston, South Carolina, and I represent the U. S. Department of the Interior.

The Fish and Wildlife Service and the Department of the Interior have previously commented to the Corps of Engineers concerning the application by Chicago Bridge and Iron Company for Department of the Army permits to construct its proposed facility at Victoria Bluff. We have, in addition, commented in detail upon both the draft and final environmental statements prepared for this complex project. The Department is currently reviewing the "Supplement to the Final Environmental Statement", and intends to provide specific and substantial comments on that document in the near future.

The Interior Department is on record as objecting to issuance of the CBI permit. We indicated, in March of 1974, our intention to withdraw our objections, upon review of [illegible] and satisfaction of [illegible] have been satisfied. [illegible] future development [illegible] facility [illegible] tention [illegible] as a whole [illegible] was to [illegible] non-[illegible] study [illegible] Mitigation [illegible] for [illegible]

On the basis of these [illegible] we have [illegible] that an agreement could be reached to guarantee [illegible] of land subject to the proposed development, either through [illegible] permit condition, or by transfer of the land to appropriate [illegible] status. Such an agreement would have [illegible] to clarify long-standing uncertainties relating to the future of Victoria Bluff and Port Royal Sound.

(1) We learned with regret that, in its revised permit application, CBI now seeks approval of a plan that would eliminate 308 acres, or approximately 70%, of the originally proposed wooded preserve and buffer. This major alteration of project plans is unfortunate. Removal of 308 acres of land from buffer zone status and the corresponding reduction of actual buffer zone from 427 acres to only 140 acres will substantially enhance the potential for future industrialization and cumulative degradation of Victoria Bluff's rich natural resource endowment. Adding to this possibility is the strong suggestion, in the supplement to the Final Environmental Statement, that CBI may determine to sell its surplus land without (2) imposing any use restrictions on the buyer. Of additional concern is the Supplement's brief but significant reference (page 2) to the possible construction of a railroad to haul metal plates to the proposed facility. The Supplement's matter-of-fact reference to rail transport is not consistent with the Final Environmental Statement's finding that, "a railroad will not be built unless the traffic justifies one, and CBI alone will not provide this amount of traffic."

This Department will continue to recommend that no permits be issued for the proposed facility, unless CBI agrees to restore the buffer zone to its original area and to make a legally-binding commitment to ensure preservation of this land in its natural state.

(1) If CBI remains firm in its unwillingness to restrict this use of land outside its project boundaries, we will insist that the Supplement to the Environmental Statement be considerably expanded to fully explore the potential environmental impacts of change in land use designation. We cannot agree with the Supplement [illegible] the cumulative effects of deleting 308 acres from the buffer [illegible] How can we agree that the [illegible] impacts in the Final Environmental [illegible] to describe the secondary effects of the [illegible] substantial modification of plans by CBI. Our comments on the Supplement will address this matter in detail.

(3) [illegible] to [illegible] Corps of Engineers to remedy the Final [illegible] of alternatives to the [illegible] on the draft statement points but [illegible] Final Statement was only partially responsive to these comments, devoting a scant seven lines to an explanation of why four of the examined alternative sites were rejected by CBI. In our comments on the Final Statement we renewed our insistence that alternatives be described in sufficient detail to permit meaninful comparisons among them.

To our disappointment, the Supplement to the Final Environmental Statement provided no additional data concerning alternatives. Unless this serious and persistent defect in environmental documents for the CBI permit application is cured, the Department will continue to maintain its objection to permit issuance.

(4) The Department of the Interior has followed with keen interest the proposal to designate Port Royal Sound as a marine sanctuary. We urge the Corps of Engineers to seriously consider whether CBI's proposed redesignation of land use, and the related potential for additional industrialization at Victoria Bluff would in any way affect the suitability of Port Royal Sound for marine sanctuary status.

(1) In summary, the Department of the Interior's two major objections to issuance of the CBI permit remain unresolved. The determination by CBI to reduce its buffer zone by 308 acres and to retain this land in an unrestricted use status precludes any likelihood of this Department's (3) concurrance in the issuance of the proposed permit for dredging. The continued failure of the Environmental Statement to properly assess alternatives is, an additional impediment to removal of our objections. We emphatically hold to our position of record and respectively urge both the applicant and the Department of the Army to reconsider these important matters.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

[illegible]

OCT 16 1975

[illegible]

1 [illegible]

3 [illegible]

4 [illegible]

5 [illegible]

application will give full consideration to curbing any project related impacts on this potential natural landmark area and in mitigating any adverse impacts which might stem from the permitting action. We further suggest that you explore this issue further with our Regional Director of NPS, located in Atlanta, Georgia.

Specific Comments

Page 1, paragraph 2

6 The discussion on channel depth requirements for the revised project plan stated that the environmental impact "should" be identical to that for the original proposal. The use of the word "should" leaves the possibility of future channel improvements open to question. In view of the fact that the consideration of both the 306-acre tract and the adjacent Ports Authority property, the supplement should be revised to more fully address the possibility of future channel and related port development.

Page 3, paragraph 1

1 The supplement considers the secondary effects of deleting the 306-acre tract to be minimal. This an action cannot be made unless the ultimate disposition of the tract is known. The statement that [illegible] address potential secondary impacts, and to include consideration of the general impacts that would result if a major industrial development were sited on the 306-acre tract.

Page 4

7 The supplement [illegible] to conclude that the addition of 306 acres for development "... will add no new elements that were not considered in the final EIS ..." The supplement should explain the rationale behind this statement [illegible] would appear that [illegible] the property [illegible] the dredged material [illegible] have [illegible] if the land were retained in "public ownership" status.

The point that the [illegible] channel has no water [illegible] literally [illegible] the [illegible] the deepest water [illegible] which [illegible] 172-acre [illegible] ultimate.

[illegible]

(7) [illegible]

[illegible] review this supplement [illegible] the [illegible]

Sincerely yours,

[illegible]

Deputy Assistant Secretary of the Interior

[illegible]

PRIORITY [illegible] P - 1

NAME OF SITE: VICTORIA BLUFF ([illegible])

ONE-LINE DESCRIPTION: A high-quality [illegible]-hardwood forest within a salt marsh habitat [illegible] value, scarce [illegible]gical associations and [illegible] opportunities.

THEME/SUBTHEME
CLASSIFICATION: 24, 30, 33/Aa, B, Ca, Ia, Lbc, M, Oab, Ne, Pab

LOCATION: Beaufort County, SOUTH CAROLINA

LATITUDE - LONGITUDE:

USGS QUADRANGLE REFERENCE: Spring Island, 7.5'
Savannah, 1:250,000, S.C., Ga.

SIZE: Victoria Bluff = 20 to 50 acres; (total sound - 42,000 acres)

OWNERSHIP: Water-State; terrestrial portion-various private owners.

ADMINISTERING AGENCY: South Carolina Water Resources Commission

CURRENT LAND USE: Probably hunting and fishing.

DANGERS TO AREA OR VULNERABILITY:

Possible pollution from upstream, forest fires, some grazing and cutting.

SENSITIVITY OF AREA: None

SIGNIFICANCE OF AREA:

Excellent and diverse wildlife (+shellfish) habitat, with high deer and squirrel populations. Entire marsh and sound should be considered, but Victoria Bluff is an important timbered area relatively undisturbed in midst of large unpolluted marsh area.

PHYSICAL CHARACTERISTICS:

Sea coast, salt marshes, and islands.

OUTSTANDING GEOLOGICAL FEATURES:

ECOLOGICAL DESCRIPTION:

A pine and hardwood forest grows above river, with especially large Magnolia trees. There is a brackish bog, a freshwater pond and [illegible] pasture [illegible] fringing [illegible].

[illegible] in marsh + very old [illegible]

[illegible]

Shell[illegible] egret, [illegible] Ducks, [illegible] (see [illegible] Fish[illegible] chub[illegible] Rocker[illegible] Perom[illegible] ours at [illegible] yards [illegible] Bluff.

[illegible]

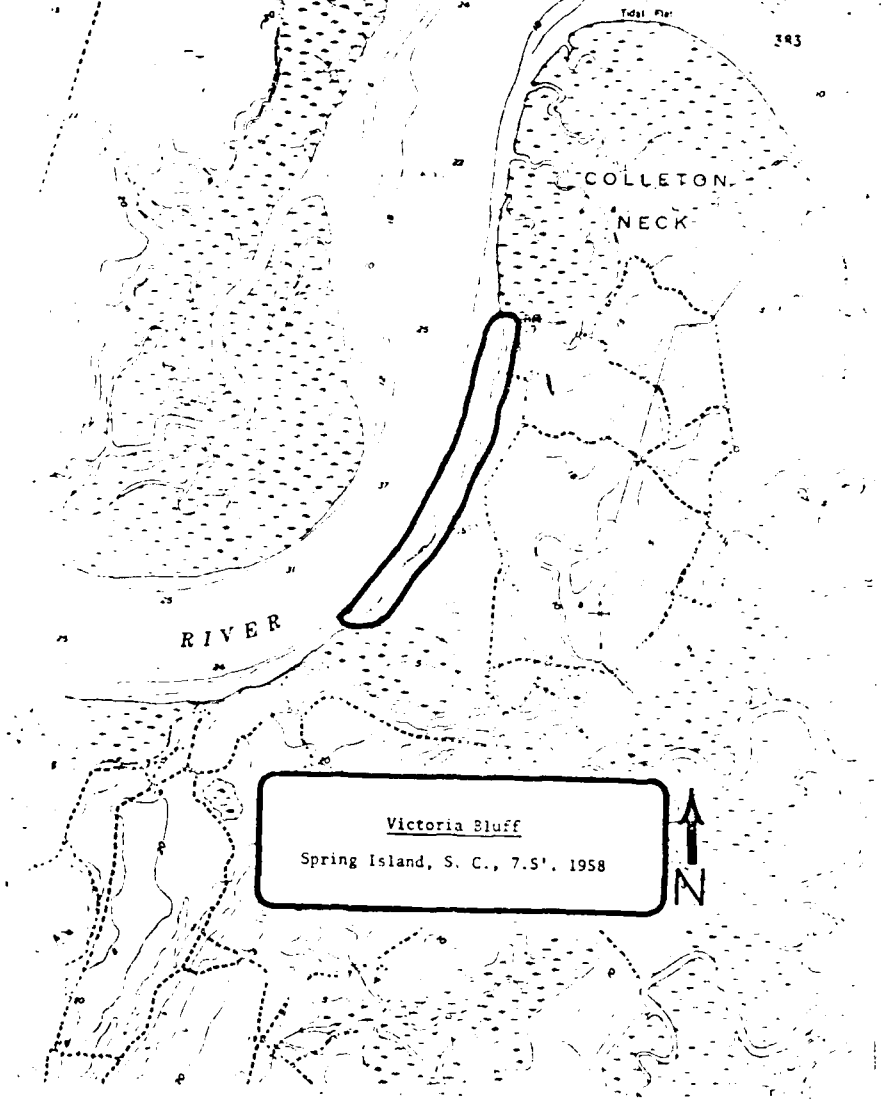
American [illegible] (no nests), 12 Brown Pelicans (no nests) Osprey [illegible]

[illegible]

Port Royal [illegible] South Carolina Water Resources Comm.

[illegible]

Highly [illegible] National Landmark



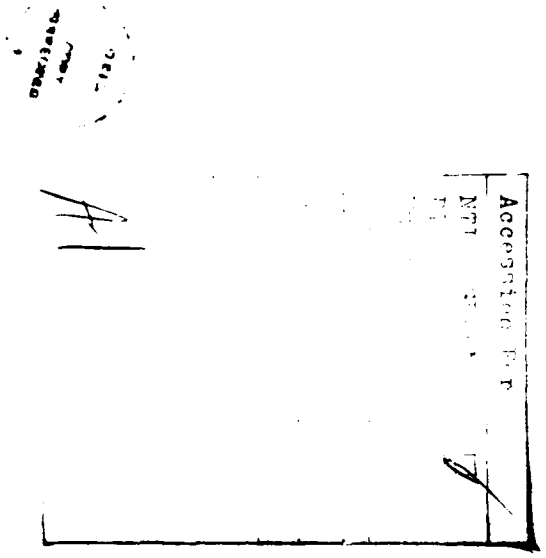


Table 1

VASCULAR SPECIES [illegible] HIGH [illegible]

Transect	1	2	3	4	5	6	7
Length in meters	18	33	20	34	10	15	20
Distichlis spicata (Salt Grass)	—	—	—	—	—	prm	prm
Andropogon virginicus (Broom Sedge)	—	—	—	8 cl	abd	5 cl	abd
Cenchrus incertus (Cenchrus)	—	—	—	—	11	—	—
Chloris petraea (Finger Grass)	—	—	—	6 cl	—	—	—
Gymnopogon ambiguus (Beard Grass)	—	—	—	4 cl	—	—	—
Spartina patens (Saltmeadow Cordgrass)	—	10 ft bd	5 ft	1 cl	—	—	—
Cynodon dactylon (Bermuda Grass)	—	—	—	—	—	6 ft bd	—
Paspalum notatum (Tall Smooth Bahiagrass)	7 cl	—	1 cl	—	—	—	—
Paspalum distichum (Swollen Paspalum)	—	—	2 cl	2 cl	—	—	—
Phalaris arundinacea (Canary Grass)	—	—	—	—	—	34 cl	—
Sporobolus virginicus (Scout Grass)	—	—	—	1 cl	—	—	—
Sporobolus [illegible]	—	—	—	—	—	6 cl	15 ft bd
Uniola paniculata (Sea Oats)	—	—	—	—	165 pl	—	—
Uniola sessiliflora (Uniola)	—	—	—	1 cl	—	1 cl	—
Yucca spp. (Yucca)	—	6	—	—	25	—	—
Juncus roemerianus (Needlerush)	—	—	—	1 cl	—	—	—
Fimbristylis castanea (Stiff Fimbristylis)	—	—	—	—	abd	10 cl	—
Cyperus spp. (Sedge)	—	—	—	—	1 cl	—	—
Digitaria sanguinalis (Crab Grass)	—	—	—	—	—	15 pl	—
Juniperus virginiana (Eastern Red Cedar)	—	13	4	—	—	2	6
Pinus taeda (Loblolly Pine)	11	—	6	—	1	—	—
Liquidambar styraciflua (Sweetgum)	3	—	—	—	—	—	—
Magnolia grandiflora (Southern Magnolia)	1	—	—	—	—	—	—
Nyssa sylvatica (Black Gum)	7	—	—	—	—	—	—
Persea borbonia (Red Bay)	—	—	—	1	—	—	—
Prunus serotina (Black Cherry)	2	—	—	—	—	—	—
Quercus nigra (Water Oak)	5	—	—	—	2 (sm)	—	—
Quercus virginiana (Live Oak)	7	13	9	12	4 (sm)	5	7
Sabal palmetto (Cabbage Palmetto)	11	34 (8 lg)	2	4	3	2	20 (5 lg)
Myrica cerifera (Wax Myrtle)	3	—	2	—	—	—	1
Ilex vomitoria	18	30	6	15	—	16	5
Ilex opaca (American Holly)	4	—	4	—	1	—	7
[illegible]	—	—	—	—	—	—	—
Ilex [illegible] (Marsh Elder)	—	1	1	—	5	20 (1 bd)	13
[illegible]	—	cl	—	25	—	—	—

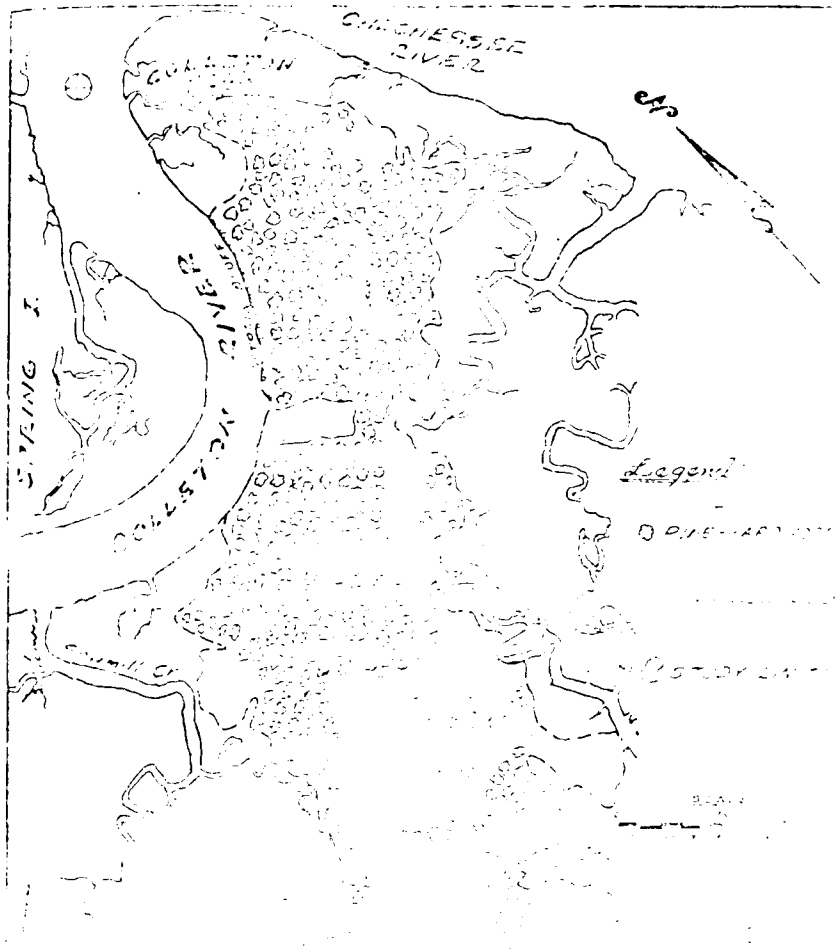
Table 1, continued

Transect	1	2	3	4	5	6	7
Length in meters							
[illegible]	—	5	—	—	—	—	—
(St. Andrew's Cross)							
Andropogon virginicus (Gerardia)	—	—	—	—	—	—	20 ft bd
Erythrina herbacea (Erythrina)	—	3	—	—	—	—	—
Phytolacca americana (Pokeweed)	—	—	—	1	—	1	—
Lespedeza [illegible] (Lespedeza)	—	—	—	—	—	—	142
Oenothera speciosa (Evening Primrose)	—	—	—	—	10	—	—
Heterotheca subaxillaris (Heterotheca)	—	—	—	—	48	—	—
Solidago sempervirens (Goldenrod)	26	—	—	—	241	—	—
Robinia elliottii (Robinia)	—	—	—	—	79	—	—
Sabatia stellaris (Sabatia)	—	—	—	—	14	—	—
Limonium carolinianum (Sea Lavender)	—	—	—	—	79	—	—
Chenopodium album (Lambsquarters)	—	—	—	—	—	21	—
Iva frutescens (Horseweed)	—	—	—	—	13	—	—
Tragia urens (Eastern Tragia)	—	—	—	—	—	39	—
Croton glandulosus (Croton)	—	—	—	—	—	12	—
Pueraria spp. (Peasem)	—	—	2	—	58	—	—
Apios americana (Apios)	1	—	—	1	—	—	—
Portulaca pilosa (Hairy Portulaca)	—	—	—	—	37	160	—
Sesuvium portulacastrum (Sea Purslane)	—	—	—	—	abd	3	—
Cynanchum palustre (Milkweed)	—	—	—	—	38	—	—
Smilax spp. (Greenbriar)	3	—	—	2	42	2	5
Ipomoea sp. (Morning-Glory)	6	—	2	—	27	—	—
Cuscuta spp. (Love-Vine)	—	—	—	—	abd	—	—

Abbreviations: abd — abundant
bd — bed
cl — clump
ft — foot, feet
lg — large
med — medium
pl — plant, plants
[illegible]

[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
———	[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
———	———	70 (2[illegible])	[illegible]	[illegible]
———	29 (2[illegible])	———	———	
———	53 (5[illegible])	———	5 (1[illegible])	
90 (19[illegible])	25 (2[illegible])	———	———	
———	3 (T)	5 (T)	———	
65 (14[illegible])	103 (10[illegible])	158 (10[illegible])	[illegible]	
139 (29[illegible])	171 (16[illegible])	137 (1[illegible])	[illegible]	
1	52 (5[illegible])	8 (T)	5 (1[illegible])	
105 (21[illegible])	265 (27[illegible])	500 (2[illegible])	[illegible]	
15 (3[illegible])	195 (19[illegible])	201 (11[illegible])	5 (1[illegible])	
52 (11[illegible])	20 (1[illegible])	5 (T)	[illegible]	
TOTAL	473	1,010	1,200	592

Mallard, photo by [illegible] Bureau of Middle East



State of South Carolina

Office of the Governor

JAMES B. EDWARDS
GOVERNOR

DIVISION OF ADMINISTRATION
Edgar A. Brown Building
Columbia, South Carolina 29201

October 14, 1975

Colonel Harry S. Wilson, Jr.
District Engineer
Charleston District, Corps of Engineer
Department of the Army
P. O. Box 919
Charleston, South Carolina 29402

Dear Colonel Wilson:

The State Clearinghouse has completed its review of the supplement to the final environmental impact statement of the applicant, Chicago Bridge & Iron Company for a proposed nuclear power plant which will use high water in the Colleton River at Victoria Bluff, Hampton County, South Carolina.

I am enclosing for your information the comment received from the Wildlife and Marine Resources Department, the Department of Archives and History and the State Archeologist. It is clear to me that the State Archeologist requests that a archeological survey be made. The final environmental impact statement states that "Mitigation measures for the archeological resources will be provided." Please contact Dr. [illegible] concerning this matter.

If there are any questions, please contact me.

Sincerely,

Elmer C. Whitten, Jr.
State Clearinghouse

ECWjr/cs

Enclosures

South Carolina
Project Notification & Review System

PROJECT NOTIFICATION & REVIEW

TO: Wildlife and Marine Resources
P. O. Box 167
Columbia, SC 29202

RECEIVED
AUG 26 1975
S. C. WILDLIFE & MARINE RESOURCES DEPARTMENT

STATE APPLICATION IDENTIFIER
Clearinghouse Use Only
CONTROL NUMBER
DIST. 10 NO. 2001 FY 6

SUSPENSE DATE
9/16

The attached project notification is being referred to your agency in accordance with Office of Management and Budget Circular A-95. This system coordinates the review of proposed Federal or federally assisted development programs and projects. Please provide comments below, relating the proposed project to the plans, policies, and programs of your agency. All comments will be reviewed and compiled by the State Clearinghouse. Any questions may be directed to this office by phone at 758-2946. Please return this form prior to the above suspense date to:

State Clearinghouse
Division of Administration
205 Rutledge Street
Columbia, South Carolina 29201

Signature: Elmer C. Whitten Jr.

Name: Elmer C. Whitten, Jr.

RESULTS OF AGENCY REVIEW

- [x] PROJECT CONSISTENT WITH AGENCY PLANS AND POLICIES
- [ ] AGENCY REQUESTS CONFERENCE TO DISCUSS COMMENTS
- [ ] AGENCY COMMENTS ON CONTEMPLATED APPLICATION AS FOLLOWS:

Personnel from the South Carolina Wildlife and Marine Resources Department have reviewed the project and offer no objections.

RECEIVED
DIVISION OF ADMINISTRATION

(Use reverse side if necessary)

NAME OF AGENCY REVIEWER
SIGNATURE
DATE
TITLE

Project Retrieval & Review System

Project Retrieval & Review System

SUSPENSE DATE
9/16

5. That the new draft supplement address the objections raised by the Council on Environmental Quality to issuance of the permit.

3

6. And that the new draft supplement address the nomination of Port Royal Sound as a marine sanctuary and the status of NOAA's consideration of the sanctuary designation.

I am not requesting that another public hearing be held on this already protracted case. The Charleston District's approach to a public hearing is apparently based on the philosophy that the federal government need not tell the public anything about the project that the Corps or CBI does not want the public to know. It would thus be pointless to stage another public hearing charade.

I am [illegible] the statement [illegible] [illegible] of [illegible]

entitled "Letters of Comment on Final EIS." That document raises several questions:

1. Why wasn't that document made available for public review with the supplement prior to the September 4 public hearing?

2. Is it the general policy of the Corps, or was it the Charleston District's own decision, to keep responses to comments on the final impact statement from the public, even when -- as in this case -- a supplement to the FEIS was deemed necessary and another public hearing was held?

3. What can be done to instill a greater sense of responsiveness and responsibility to the public in the Charleston District office?

Now I read [illegible] District's responses in the [illegible]

NATIONAL AUDUBON SOCIETY

[illegible]

October [illegible], 19[illegible]

The Honorable Victor V. Veysey
Assistant Secretary of the Army
Washington, D.C. 20310

Dear Secretary Veysey:

The National Audubon Society has reviewed the so called "supplement" to the final environmental impact statement (FEIS) prepared by the Charleston, S.C. District Engineer's office on the Cooper River and Tributary Company (CBI) [illegible]

This [illegible]

[illegible]

[illegible] applica[illegible]

Instead of the "complete [illegible] District Engineer's office produced a feeble "[illegible]" that [illegible] fails to meet the requirements of the Federal [illegible] Preparation and Coordination of Environmental Statements. Paragraph [illegible] of that regulation states:

"Whenever the final environmental statement on file becomes deficient because certain environmental effects of the project were not discussed or design features or project purposes were modified significantly subsequent to the filing of the original environmental statement, an appropriate supplement to the final statement shall be prepared. The supplement will be prepared in the draft and final format with a 45-day review and comment period allowed after publication by CEQ in the Federal Register for the draft."

We submit that the supplement prepared by the District Engineer's office is not the "appropriate supplement" required by the Corps regulation. The supplement does not discuss the deficiencies in the FEIS created by CBI's change in plans and change in project purposes -- let alone the gross deficiencies in the FEIS on CBI's original proposal. The supplement does not constitute the "complete restudy" that you told Mr. Kowalski the District Engineer's office would have to undertake. The supplement does not disclose [illegible] CBI's revised proposal -- effects [illegible] base report.

I [illegible] request

1. [illegible] supple[illegible] deficiencies [illegible] state[illegible] administration [illegible] causes [illegible]

2. [illegible]

PUBLIC HEARING STATEMENT

CHARLESTON DISTRICT CORPS OF ENGINEERS

BEAUFORT, SOUTH CAROLINA

Presented by: ORION D. HACK, PRESIDENT
SOUTH CAROLINA ENVIRONMENTAL ACTION, INC.

Subject: SUPPLIMENT TO F.E.I.S.

The supplement to the draft [illegible] of impact to ge and [illegible]

[illegible]

[illegible] galvanic action between [illegible]

Aluminum [illegible] + [illegible] steel plate [illegible].

④ 4. There is a real danger to the Hilton Head fresh water supply in driving piles for the pier in the river. They break thru the limestone cover overlaying the fresh water supply. As you know Beaufort has to get their water from the Savannah River (50 miles away) because of salt water intrusion.

⑤ 5. There [illegible] CB&I [illegible] [illegible] CB&I + [illegible] [illegible]. This employment promise is the [illegible] for granting the permit and it is based on a false premise.

---

18 SEP 1975

September [illegible]

Colonel Harry [illegible] Wilson, Jr.
Charleston District [illegible] Engineers
P. O. Box 919
Charleston, SC 29402

Dear Colonel Wilson:

SUBJECT: Suppliment to Final Environmental Statement.
Application for Chicago Bridge and Iron Company to
construct pier in Colleton River

Failure for suppliment to address ground water.

① Paragraph 2.07 It is not to the credit of The Corps of Engineers to take portions of a study as thorough as the Port Royal Sound Environmental Study without quoting that section in total in order to present the available facts. You quote the [illegible] on the production of a [illegible] well at Victoria Bluff [illegible] water per minute. Did your staff bother to locate this well [illegible] on the west side of the [illegible] [illegible] [illegible] you are [illegible] "Nearly [illegible] sea level [illegible] "However, [illegible] parts of Port Royal [illegible] places [illegible] water, if the [illegible] head is lowered. [illegible] well not properly managed, an extremely valuable [illegible]"

Paragraph 2.07 [illegible] text [illegible] "[illegible] resources [illegible] and adequate for limited use on the North [illegible]" Would it have hurt the cause to quote the recommendations also in the conclusion?

Exhibit #1 Underscored Quote "A [illegible] study under the provisions of the Ground Water Use Act of 1969 should be [illegible] in this area."

Page 108 Port Royal [illegible] enclosed as Exhibit [illegible] Quote "[illegible] in the area [illegible]

---

(3) We are incorporating by reference herein previous comments filed by the Association with respect to the draft environmental impact statement and the final environmental impact statement and we are also incorporating those comments which will be filed with respect to the revised environmental impact statement of the Association's co-counsel, Duncan, Brown, Weinberg & Palmer.

Very truly yours,

John C. Stout, Jr. /bp

John C. Stout, Jr.
Attorney for the Colleton River
Area Landowners Association

JCS:bp

cc: Mary O. Merrick, Co-Chairman CRALA
Marjorie O. Soulard, Co-Chairman CRALA
Frederick L. Miller, Jr., Duncan, Brown, Weinberg & Palmer

---

1 NORTH CALIBOGUE CAY
HILTON HEAD ISLAND
SOUTH CAROLINA 29928

18 SEP 1975

Sept 14 1975

Harry S. Wilson Jr
Charleston District, Corp of Engineers
P.O. Box 919
Charleston, S.C. 29402

Dear Colonel Wilson Jr

This is a request that you deny the permit for CB-I to dredge & construct a pier on the Colleton River, for the following reasons:

(1) 1. The environmental impact study issued by the Dept of Army is inadequate in that it was based on a draft copy of the E.I.S. made by CB-I which in itself is both inaccurate & prejudiced. In other words the Dept of Army never made an E.I.S. They plagerized one.

(2) 2. CB-I reneged on their original agreement to leave a large buffer zone. They now, in their immediate request for a permit, propose to sell a large portion of the buffer zone with no restrictions

(3) 3. CB-I have deceived the Corp of Engineers about the products they plan to make. It is evident from a recent feasibility study made [illegible]

or all of the metal plate products other than LNG containers referred to in the fourth paragraph of your NOTICE OF PUBLIC HEARING dated 8/4/75. If such were the case, the facility at Victoria Bluff would for the near future constitute a make-work project to help the unemployment situation in this area with, again, little promise in the foreseeable future of providing steady jobs, considering the near-term prospects of unusual activity in the nuclear reactor, coal gasification and offshore drilling fields.

This whole project has assumed such a speculative aspect, as far as actual needs and their fulfillment is concerned, CBI's application merits a very careful further appraisal by the Corps. It is obvious that the remarkable growth in most economic indicators for Beaufort County over the past several years is attributable to its attractiveness as a resort and recreation area. So, why should the CBI project of doubtful economic need but undoubted despoliation of one of the most attractive natural spots left in the County, be given the benefit of any doubt the Corps might have in its hopefully objective and impartial analysis of the matter.

Sincerely,

W. R. Satterfield

16 SEP 1975

JOHN C. STOUT, JR.
ATTORNEY AT LAW
1400 FULTON NATIONAL BANK BUILDING
ATLANTA, GEORGIA 30303
(404) 831-3600

September 12, 1975

Corps of Engineers
Charleston District
Department of the Army
P. O. Box 919
Charleston, South Carolina 29402

RE: Revised Final Environmental Impact Statement on Application of Chicago Bridge and Iron Company - Permit Application P/N 73-86

Dear Sir:

With regard to the above-referenced application and the public hearing held September 4, 1975, I wish to go on record and on behalf of the Colleton River Area Landowners Association (in addition to the statements made at the hearing by members of the Association) as strenuously objecting to the adequacy of the revision to the final EIS. It appears that all the Corps of Engineers has done is said that there will be an expansion in the number of acres used for the project and that the environmental impact of this is no different than that enumerated in the previous final environmental impact statement. It appears (1) that the Corps of Engineers has in effect pretended that the whole "secondary effects" issue doesn't even exist with respect to the expansion in CBI's plans.

(2) The Corps of Engineers has also failed to consider the effect of the petition now pending with the Commerce Department to designate the Port Royal Sound area including the area surrounding the project as a marine sanctuary. Certainly this application and the impact of the proposed project on marine sanctuary designation cannot be ignored by the Corps.

In summary, I believe that the Corps must address itself to these two principal issues in addition to the other objections we have previously raised before the final environmental impact statement can be complete. The substantial change enumerated in Chicago Bridge and Iron's application requires a complete reassessment of how such a major change affects every issue addressed to date on the project.

ment fails to [illegible] the continuing opposition to the permit by the Department of Commerce and the Department of the Interior.

In sum, the supplement is as inadequate as the draft and final impact statements prepared by the Charleston District office. The Corps has yet to prepare the truly independent, objective and comprehensive impact statement required by NEPA. The Charleston District Office has made a mockery of the impact statement process and of the public hearing process.

Under the circumstances, we are forced to conclude that participation in this [illegible] tonight, [illegible] others [illegible] statement.

Colonel [illegible] questions [illegible]

THE SATTERFIELDS
P. O. Box 50
Beaufort, S. C. 29902

10 SEP 75

9/5/75

Charleston District
Corps of Engineers
Department of the Army
Charleston, S.C.

Re: P/N 75-86 (Revised)

Gentlemen:

As a concerned citizen of Beaufort County, I attended [illegible] hearing on this project [illegible] these comments [illegible] hearing period.

Although [illegible] either side of the [illegible] four citizen [illegible] the appropriate [illegible] next [illegible] meet such [illegible] the benefit of your [illegible]:

1. The possibility [illegible] number of [illegible]
2. Details of [illegible] Chechessee rivers and [illegible]
3. The economic urgency of the facility in view of the [illegible] market conditions [illegible] vessel building program [illegible]

As to 3. [illegible] section of [illegible] by just [illegible] However, [illegible] the many [illegible] already [illegible] jobs [illegible] in [illegible]

We have [illegible] the supplement and we have concluded that:

(1) 1. The Charleston District Office of the Corps has failed to respond to questions raised by us and others about the final impact statement.

2. By that failure, the Corps has [illegible] the public and denying a large [illegible] of the public [illegible].

3. Both the Corps and CPI, [illegible] the permit conditions, apparently [illegible].

4. The supplement to the final impact statement is another disgraceful example of [illegible] the Chief Engineer's office for the [illegible] Policy Act [illegible] the requirements of the environmental [illegible].

5. The supplement [illegible] Island [illegible].

Des[illegible] warrant revision of the final EIS."

(2) CPI has [illegible] at Victoria Bluff. [illegible]

a single [illegible] at Victoria Bluff.

(3) All we are told by the supplement is that "channel requirements in the Colleton River and the impact on the environment should be identified for assembly and fabrication of any of the aforementioned metal plate products." But we are not told what those channel requirements are, or how soon CPI will seek federal aid in the form of channel dredging to get the "aforementioned metal plate products" out of the Colleton River.

(5) To eliminate the concern of the Department of the Interior that land not used by CPI at its Victoria Bluff site be kept in its natural state, CPI has severed 300 acres from the permit application. The use of those 300 acres, the supplement tells us, "[illegible] of the proposed [illegible]."

But what happens to those 300 acres is certainly part of the [illegible] Port Royal Sound.

CPI has given back [illegible] that land [illegible] for the metal fabricating operation will be kept in its natural state [illegible]. But the Corps blunder tells us in the supplement that the potential development of the 300-acre tract [illegible] the impact of development as discussed in the final EIS. [illegible] the supplement further tells us that by letting the 300 acres from the project, "[illegible] elements that were not discussed in the final EIS." How can the Corps know that since it does not know what will happen to those 300 acres?

(6) CPI has deceived the public. And the Corps has compounded that deception by issuing a document that fails [illegible] to grips with the [illegible] impact of the project. [illegible] to grips with the implications of the [illegible].

(7) [illegible]

Sept. 4,1975
P.O.Box 275
Bluffton, S.C. 29910

Col. Harry S. Wilson
District Engineer
Corp of Engineers
P.O.Box 919
Charleston, S.C. 29402

Re: Supplement to final EIS
on CBI application.

Dear Colonel Wilson:

For [illegible] get an answer to our [illegible] Colleton [illegible] that [illegible] in this [illegible]

[illegible] channel [illegible]

1- [illegible] to the FIS, in the second paragraph, [illegible] requirements in the Colleton River and the [illegible] environment should be identical -"

2- On page [illegible] of the notice of Public Hearing, in the third paragraph, [illegible] say " The impact on the environment and channel requirements in the river should be the same"

Now to the weasel words- the notice says" In every case, metal plates will be received by rail, truck or barge at the facility. The finished products will be shipped by water to final owners;!!!

HOW? by barge?

NO, Sir. You are talking about that CHANNEL to the sea.

Are [illegible] one will [illegible] that channelization of the [illegible] will [illegible] that [illegible] will go the same way?

[illegible] that channelization will have a serious effect [illegible] you to give our concerns the consideration they deserve.

Thank you.

[illegible]
on the [illegible]
[illegible] Islands

SOUTH
REGIONA

NATIONAL AUDUBON SOCIETY
POST OFFICE BOX 20191, ATLANTA, GEORGIA 30320 (404) 255-3732

Statement Presented by the

National Audubon Society

At Corps of Engineers [illegible]

Chicago [illegible]

Box [illegible]

[illegible]

My [illegible] is [illegible] regional [illegible] is Box [illegible]

In February of this year, the National Audubon Society presented its views on the final impact statement for the proposed CBI project at a public hearing here in Beaufort. Later in February, the National Audubon Society submitted 11 pages of comments and questions on that final impact statement. In addition, on February 28, 1975, in a letter to the Secretary of the Army we asked that the Charleston District Engineer prepare a truly adequate, objective and comprehensive impact statement, [illegible] and other [illegible] with [illegible] final impact [illegible]

Since [illegible]

(6) In view of the fact that we [illegible] attain the [illegible] tic expected in the supplement we have [illegible] to file a petition [illegible] the Environmental Protection Agency, in accordance with the provisions of the Safe Drinking Water Act, Public Law [illegible], to protect our sole source of water, the Ocala Aquifer.

This petition will include pile driving; dredging; and the use of large wells into the aquifer for industrial purposes.

[illegible] company's proposals.

(2) The "Sparkman" [illegible] Maker, a subsidary of C. B. & I., are satisfactory [illegible] the treatment of "Sanitary" wastes for the proposed plant [illegible]. They install post Chlorination facilities for their effluent and at least a 95% BOD reduction of the raw sewage influent to the plant prior to wasting it in the Colleton River.

(2) (3) No treatment has been proposed for their plating shop or paint room wastes.

(4) As this plant is to be a fabrication point for metal plates, the "corrosion protection" of the plates must be done here or at some other site. If this item is to be done at this site, an approved satisfactory degree of treatment must be provided prior to discharge of their effluent to the Colleton River.

(5) If such treatment is to be provided at another site for plates to be assembled here, we will not object thereto.

(3) (6) Oil spills and sanitary wastes from visiting ships cannot be sanctioned and must be continuously inspected for during their visits. Proper treatment of these wastes must be provided for by C. B. & I.

(4) (7) Subject plant should not be permitted to obtain their water supplies from the Ocala Limestone Aquifier, because of the possibility of the lowering of the water pumping levels in our wells. There will also be the danger of salt water intrusion into our water supplies because of excessive draw-down of the Aquifier. Both these items would cause unnecessary expense to land owners.

(8) All of the above items should be seriously considered before granting a dredging permit to the C. B. & I.

Sincerely yours,

F. J. Rawstrom

HILTON HEAD PUBLIC SERVICE COUNCIL
Post Office Box 5156
Hilton Head Island, South Carolina 29928

September 4, 1975

Statement made by Charles M. Ackley, Chairman, Public Service Council Hilton Head Island - (coordinating body representing Public Service Districts on Hilton Head Island).

Col. Wilson -

Ladies & Gentlemen -

The concern expressed by me this evening is on behalf of all of the Districts furnishing water for all purposes to most of the 6,600 residents on Hilton Head Island. This same concern must be taken very seriously by other communities such as Bluffton, Barrel Landing and the individual farms and Plantation such as Pepper Hall, and Moss Creek Plantations and others.

5 Mr. Orion Hack in a letter to Col. Wilson dated 3 March 75 posed the questions of both dredging and pile driving hazards. We all awaited an answer with objective technical information; perhaps putting our fears to rest; in the supplement which we are discussing tonight.

Instead of answering these questions the author of the supplement blithely ignored the right of the people and of public bodies to have satisfactory answers to their questions.

The August supplement shows - a pier or marginal wharf located at the same point and at least 800 feet long. From this it can be assumed that the original plan of a 850 foot wharf is still planned. A line of piling or piling bents this long, resting on or penetrating the cap rock could and probably would create a massive fault or crack in this rock the length of 3 football fields. This cap rock is of a hard dense cherty limestone which is some times phospatic. According to local knowledge and Professor Colquhoun of USC it is very erratic in occurrence. In the drilling on Spring Island across from Victoria Bluffs the cap rock is entirely absent. In the recent Ladies Island Bridge Pier Construction it was found to be only 12" thick.

The other overlayment is the Hawthorne formation. This contains secondary acquifers which could easily destroy any skin friction on piling. The soft medium to coarse sands are easy to penetrate and have little bearing. The lime muds and clays are stiff and difficult to penetrate.

Again quoting Professor Colquhoun, the correllation of the various parts of the Hawthorne formation ahve proved impossible. At least by the Sonic Methods used to date

We know that at Spring Island the acquifer is 80 feet below MSL at the Colleton Channel it is 64 feet below MSL. Does this slope continue to rise under Victoria Bluff ? We have no proof to the contrary.

1 CBI has made 20 drillings in the area and 15 bore holes were drilled in the Port Royal Sound Study. After the question was raised at the second hearing why weren't these logs included in the supplement or an appendix to it ?

In the Seminars I have attended on Preparation of Environments Impact Statements we were taught that they were to be factual, objective and complete. That questions raised by the public were to be considered and answered.

This supplement and the document it supplements is not complete, not objective and does not answer questions raised to date.

The Ocala acquifer or Santee limestone is the only source of water for the area south of Broad River and Port Royal Sound. It is not a pile of sand as the media has quoted a CBI official.

The people of Beaufort and vicinity used to drink artesion well water from the acquifer, but due to dredging - over pumping - and other factors now drink Savannah River water.

Beaufort, Port Royal, Burton and the military stations near by are served by a canal bearing Savannah River water that cost one million dollars, a treatment plant that cost 1.5 million dollars and a total system which has cost from 6-8 million dollars, today twelve million would be closer.

The people south of the Broad River don't have any 12 million dollars to spare and there are no military stations present to induce the Federal government to help out with interest free loans.

The dredging has been listed at 27 feet. I can't conceive of an 850 foot wharf and a 27 foot channel in front of it.

2 However, the piling supporting the wharf whose dead and live load surcharge is unknown and which are shown in drawings in the final EIS as 18" x 18" reinforced concrete piles of unknown length - are one of the main threats to our sole water source - the acquifer.

borings transverse to the axis of flow of the Colleton River in the EIS or its supplement ?

(2) 3. Sound foundation engineering practice demands not only test borings with undisturbed core bored samples taken but test piles driven to load capacities or refusal or both. If the engineers of C.B.I. specify an 18" x 18" reinforced concrete piling of unknown length in the E.I.S. they must have test pile data, or they don't care how much they will damage the acquifer. Why are not the results of test piles driven in the E.I.S. or its supplement ?

4. If test pilings have not been driven and logs of the tests made how did C.B.I. elect to use 18" x 18" reinforced concrete piles ?

(3) 5. During the hearing Col. Wilson stated that he knew the length of the proposed piles but not the number of them. Why can't the public know both the length and spacing of them ?

(4) 6. The Savannah Newspaper carried the story of the halting of construction of the water front improvements by Charleston District C. of E. in the City of Beaufort on the Beaufort River because 70 foot piles had been driven which were in excess of the 40 foot piles approved in the permit.

In the Island Packet of Thursday 18 September there was a story that a similar limitation would be placed by the Charleston District on piling for the C.B.I. construction. Two questions arise from this statement.

a. Will the limitation be based on a profile of the substrata or just a blanket number of feet of piling ?

b. Will the types of piling be limited to avoid creating point loading and a subsequent fault in the cap rock, or avoid the need to penetrate the acquifer ?

End of Questions

In view of the fact that the Ocala Acquifer is the sole source of potable water on this island we must again request that until all engineering facts are known and presented with favorable results that permission to construct the wharf and dredge the channel be withheld.

I wish to complement you on your conduct of the Public Hearing on 20 Feb. and was happy to meet you on that occassion.

Sincerely,

Charles M. Ackley, P.E.
Chairman - Hilton Head No. 1
Public Service District
Chairman - Hilton Head Public
Service Council

researched all aspects of the project. The public has had ample and sufficient time to express their opinion. The United States Corps of Engineers is on firm ground and we submit and respectfully request that this request for a permit for the Chicago Bridge & Iron Company be granted as quickly and expeditiously as possible.

Sincerely,

Edwin W. Fiko, Jr.
Chairman

EWFJr/sm

23 SEP 1975

HILTON HEAD PUBLIC SERVICE COUNCIL
Post Office Box 5156
Hilton Head Island, South Carolina 29928

September 18, 1975

Subject: Dredging & Wharf Permit Chicago Bridge & Iron Company - Colleton River.

Col Harry S. Wilson, CE, U.S. Army
District Engineer
U.S. Army Engineer District Charleston
Charleston, South Carolina 29402

Dear Col. Wilson:

At the Public Hearing held at the National Guard Armory in Beaufort I presented a paper from the Public Service Council regarding dangers to the aquifer. The acquifer is the sole source of water to Hilton Head Island with a resident population [illegible] and tourist population [illegible]. An additional copy of paper is enclosed.

I also wish to remind you that the Public Service Districts are established to [illegible] provide water, sewer and [illegible] and that the commissioners are [illegible] to carry out this mission. The Public Service Council is a coordinating body to represent all of the Districts.

In the question period during the hearing, I did not elect to pose questions which are [illegible] technical nature and will be [illegible] and State Agencies to respond. My questions are as follows:

1. Why did the Corps of Engineers [illegible] Environmental [illegible] including [illegible] Agencies [illegible] on or near the [illegible]

2. Keeping in mind [illegible] Island [illegible] Bluff [illegible] level [illegible] shal[illegible] that the [illegible] what [illegible] Unless [illegible] to [illegible]

CONTINUATION SHEET

A-95 Control Number 10-2001-4

Suspense Date 9/16

The Institute requires that, before archeological clearance of the area can be given, an on-the-ground archeological survey of the project area be undertaken. This survey should be done at the earliest possible time in order that its time schedule will not interfere with proposed construction schedules. If sites of importance are located, time must be allowed for mitigation of the adverse effects to them that the project might cause. This may require excavation of the sites or alteration of the project plans to avoid damage to the sites.

The South Carolina Department of Archives and History should be consulted as to the potential locations of historic buildings in the project area.

SEP 1975

Beaufort County Development Commission

LOCATED IN THE BEAUFORT ARSENAL

713 CRAVEN STREET (803) 524-7418

September 15, 1975

Col. Harry S. Wilson, Jr.
District Engineer
Corps of Engineers
P. O. Box 919
Charleston, SC 29402

RE: 73/86(Revised)

Dear Col. Wilson:

We appreciate the efforts of the Corps of Engineers in providing for the third public hearing for the subject permit request. We feel the Corps has done all possible to allow the public to express themselves on the questions and issues surrounding this project.

From personal observations at the meeting, it is crystal clear that no new evidence relevant to the permit request was presented.

The comments based on the possible damage to the aquifer by piling were entirely unfounded and not supported by any facts.

All references to dredging a channel to the sea were entirely out of order as this is not and has never been a part of the permit request. According to C&GS Chart #1240, the river bottom immediately in front of the area where the request for 27 feet is 31-37 feet deep. The dredging, as you know, is only to accommodate ships moored to the dock at dead low water.

The position of the United States Bureau of Wildlife and Fisheries is, in our opinion, ridiculous. There is no precedent and no valid reason for them to require all of CBI's land to be restricted. This land is no different than the surrounding, adjoining property or the many thousands of acres in the same general vicinity.

Col. Wilson, we deeply regret and offer our sincere apologies that it is necessary for you as District Engineer for the Charleston District to be subjected to the abusive and arrogant remarks of some of those present at the hearing.

The application as submitted by the Chicago Bridge & Iron Company is according to the rules and regulations surrounding the use of water front property in the United States. The Environmental Impact Statement and Supplement there to was carefully, fully and expertly

P. O. BOX 969 BEAUFORT SOUTH CAROLINA 29902

a letter of intent from the State Ports Authority?

Question 6: Why this inconsistency, which very easily could be interpreted as deception or blundering by the Charleston District?

(8) In response to comment by Mr. Roberts Vaux, the Charleston District stated: "The secondary development impacts were discussed to the extent that present knowledge permits."

That can only be interpreted as an admission by the Charleston District that it has limited knowledge of the secondary impacts of the CBI project or of how to determine secondary impacts of a proposed project.

Question 7: What can be done to compel the Charleston District to develop the expertise needed to determine secondary impacts, as required by NEPA, CEQ, and the Corps' own regulations?

In response to comment 65 by Mr. Vaux, the Charleston District stated: "The S.C. State Ports Authority has not yet formulated plans for the development of their site and will probably not do so until the CB&I permit matter has been settled."

(9) Question 8: What exactly has the Charleston District done to determine the State Ports Authority's plans for its site?

Question 9: May we please have copies of any correspondence between the Charleston District and the State Ports Authority on this point?

In response to comment 4 by the National Audubon Society, the Charleston District stated: "An effort was made during the hearing (February 1975) to answer all questions that could be answered at that time."

That is not true, Mr. Secretary. The transcript of the February 1975 public hearing will show that no such effort was made.

Question 10: Why this outrageous untruth and distortion?

(10) In our comment 44 on the FEIS, we challenged this Corps statement -- "Further industrial development at Victoria Bluff is limited by state law designed to protect the natural values of the area." We asked that the law be identified.

In response, the Charleston District stated in the "Letters of Comment" document: "The law referred to in this comment is the act passed by the S.C. legislature providing for the transfer of State Ports Authority lands to the Wildlife and Marine Resources Department if a permit is granted to CB&I."

Mr. Secretary, that in itself demonstrates that the earlier statement was just not accurate. The transfer law does not prevent further industrial development at Victoria Bluff. That law clearly deals only with State Ports

Authority land, not with privately-owned land. That law does not affect land the SPA will retain after the transfer takes place, if ever.

Question 11: Why did the Charleston District so distort the effect of the transfer law?

The "Letters of Comment on Final EIS" document prepared by the Charleston District contains other evasions and distortions that cannot hold up under public scrutiny and questioning. Perhaps that explains why the Charleston office made no attempt to inform the public of the existence of the document or to make it available to the public before the September 4 public hearing.

(11) Question 12: Did CBI prepare any suggested responses to comments on the FEIS for the District office?

Question 13: If CBI did so, may we please have a copy of CBI's suggested responses?

Aside from the evasions and distortions, the document -- and the Charleston District's conduct throughout the CBI case -- raise some fundamental questions about Corps procedures and responsiveness to the public and to meeting the letter and spirit of NEPA's requirements.

Whatever else comes out of the CBI case, I respectfully urge you and the Secretary of the Army to review the Charleston District's handling -- or mishandling, we think -- of the CBI permit application [illegible] to make whatever policy and regulation changes are necessary to assure that [illegible] the Charleston District meets the requirements of NEPA, [illegible] and of the Corps' own regulations, and to assure that the [illegible] process will be a two-way process. The Charleston District's attitude throughout the three public hearings held on the CBI [illegible] was apparently to be not to answer legitimate questions raised by the public. Only by chance did we learn -- after the September 4 hearing -- of the existence of the "Letters of Comment on Final EIS" document, which purports to answer questions raised earlier.

I regretfully suggest that the Charleston District's handling of the entire CBI case thus far adds up to a poor way for a public agency to deal with the public.

To conclude, I want to state once again for the record that we believe the draft and final impact statements, and the supplement to the final, are grossly inadequate. They fail to meet requirements set down by NEPA, the CEQ guidelines, and Corps regulations. They have not built the complete record needed for a decision to issue the permit.

On the other hand, as I have said before, [illegible] to believe that there is abundant evidence for denial of the permit, the creation of a marine sanctuary in Port Royal Sound, and for relocation of the CBI project to an already industrialized area.

October 9, 1975

Issuance of the permit based on the Corps' actions to date and the inadequate record established to date can only lead to further challenge and delay.

With best wishes,

Sincerely,

Original signed by EJS.

Elvis J. Stahr
President

EJS:SMS
Enclosures:2

c.c.: Chairman, Council on Environmental Quality
Secretary of the Army
Assistant Interior Secretary Reed
Administrator, Environmental Protection Agency
Administrator, NOAA
Colonel Harry S. Wilson, Jr.

A-25

COALITION FOR LOWER BEAUFORT COUNTY

Franklin O. Rouse
Chairman

One South Calibogue Cay
Hilton Head Island S.C. 29928

Phone: (803) 671 2785

October 20, 1975

Col. Harry S. Wilson, Jr.
District Engineer
Corps of Engineers
P. O. Box 919
Charleston, SC 29402

Re: CBI - Victoria Bluff
Supplement to Final EIS

Dear Col. Wilson:

As many of us stated at the public hearing in Beaufort, South Carolina, 4 September, 1975, we remain amazed at the thinking and almost arrogant stance of the Charleston District Corps of Engineers in the CBI-Victoria Bluff matter. It strikes us that a few staff people there resent the entire environmental assessment process and are out to make a mockery of it -- if not actually scuttle it in this case.

We and others have raised so many important questions that have gone unanswered that it is discouraging to try to work with the Corps. The Charleston office's attempt to limit comments to the slim three and one half page supplement to the FEIS prompts us to state that everything we have said heretofore about this project is to be considered an integral part of our comments on that short supplement.

1 To us, the recent change in plans produced in the entire project by those events touched on in the supplement are major in nature and their obvious consequences. Surely a broadened definition of the products to be manufactured and a deletion of 306 acres from the buffer area creates cause for restudy of the entire case. And it is clear that was the intention of the Assistant Secretary of the Army, The Honorable Victor V. Veysey, when he returned the case to the Charleston District office.

Clearly, the haste and restrictive manner in which the Charleston office has attempted to handle this matter is deplorable. The Coalition for Lower Beaufort County comprises a high percentage of the public residing in the immediate impact area. Try as we have though, we can not get answers or explanations from Charleston on such points as the Corps rebuttal to issues raised by other federal agencies: Commerce, Interior, and CEQ, for example.

Col. Harry S. Wilson, Jr.
October 20, 1975
Page 2

(2) Will the petition signed by more than 4,000 people seeking a Marine Sanctuary designation for this area be discussed in the final supplement? Will the public have opportunity to review and comment on the Corps' discussion?. Are the Corps and a handfull of politicians going to determine the destiny of this immediate area? How can we get the public's point of view recognized in the process?

Yours very truly,

Franklin O. Rouse

Franklin O. Rouse
Chairman

FOR:ps

cc: Dr. Elvis Stahr
Hon. Nathaniel P. Reed
Dr. Robert White
Dr. Russell Peterson
Mr. Fredrich Miller, Jr.
Mr. Carlyle Blakeney
Mr. John C. Stout, Jr.
Mr. Orion Hack

COALITION FOR LOWER BEAUFORT COUNTY
One South Calibogue Cay
Franklin O. Rouse, Chairman
Hilton Head Island, S.C. 29928
Phone (803) 671 2785

COMMENTS AT PUBLIC HEARING SEPTEMBER 4, 1975

Colonel Wilson, my name is Franklin Rouse. I speak here as Chairman of the Coalition for Lower Beaufort County.

(3) The Coordinating Committee of the Coalition is composed of representatives from the respective board of directors of nine major citizens organizations in the area. Their combined membership totals on the order of 5,000 property owners, including many with generations of continuous land ownership in the immediate and general area of Victoria Bluff. As additional evidence of the numerical strength of our Coalition, we have assembled more than 3,800 signatures of people petitioning for a Marine Sanctuary in the Port Royal Sound area.

Recently, according to the press, one of your staff stated: "We don't want to hear about stuff we already heard about for three nights". Because a number of things said at earlier hearings have not been accurately and fully entered on the transcript--even when submitted in writing--we ask your attention, Sir, while I cite an example of a prior statement clearly mishandled by your staff. We also ask what right does your staff have to edit the transcript of a Public Hearing?

The official "Transcript of Public Hearing Held on Permit Application of Chicago Bridge and Iron Company on 20 February 1975" states on page 11:

> "(At the end of Mr. Rouse's statement he had put on display two paintings depicting the artist's conception of what CBI would look like <u>from the river</u>.)" (emphasis added.)

That was correct for the smaller display but Exhibits 4 & 33, and pages 68, 69 and 70 of the transcript itself show that the larger representation was made from ground level at the north end of Hilton Head Island, several miles away from Victoria Bluff and the Colleton River. The larger rendition was the subject of great concern and discussion at the hearing but in the transcript the subject, by omission, was obviously handled in a biased manner by the Corps of Engineers.

EXHIBIT 6

(1) Colonel Wilson, why is the local Corps so anxious to push this application through regardless of the consequences? This type of action has certainly not been suggested by Washington.

In a letter dated June 24, 1975, to Dr. Alvin Stahr, president of the National Audubon Society, the Under Secretary of the Army Veysey said, in part:

> "CLI has reaffirmed their change in plans *** Inasmuch as the file record does not describe the land use now proposed by CLI, nor does it disclose the corresponding secondary effects of such a plan, we have no choice but to return the case to the Corps and to ask that the Company submit a new application to the District Engineer. Restudy of the entire case will take several months at best."

Colonel Wilson, needless to say, we all took the Corps at its word. The implication was clear that a major change in circumstances had occurred and that the NEPA process would either have to be reinitiated with a completely new EIS, or that a substantial supplement to the existing EIS would have to be prepared to assess in detail the major changes in circumstances described by Secretary Veysey in the letter just quoted. Apparently, we were wrong.

The Company did submit a new application. What it essentially says is "forget what we told you about the buffer area and proceed as if that issue had never been raised." The Corps responded, at the District level, by almost immediately issuing a new notice of public hearing and by releasing a 31-page supplemental EIS which would be laughable if serious issues were not at stake.

This whole thing was thrown back to the District level because of the Company's last minute change of heart on a major issue. Yet the Corps has responded with astounding speed to the Company's latest proposal, reflecting once again the attitude that the company deserves very consideration and all other parties deserve none. Clearly, the so-called new application presents a problem far more serious than the original application.

Further, the supplemental EIS states: "The metal plate products [illegible] fabricated [illegible] than LNG, petroleum [illegible] tanks, pressure vessels, [illegible]. The

supplemental EIS goes on to state:

> "Channel requirements in the Calcasieu River and the impact on the environment should be identical for assembly and fabrication of any of the aforementioned metal plate products. Accordingly, all impacts assessed in the final EIS to the manufacture of LNG tanks [illegible] also apply to the assembly and manufacture of any other metal plate products."

It is amazing that an environmental organization would make or endorse such a statement. For example, to consider the impacts of fabricating LNG tanks similar to nuclear containment vessels and nuclear reactor vessels is pretty far fetched. By the way, this is all another example of the Corps's total failure to recognize pertinent facts in this matter: the [illegible] being produced at Victoria Bluff was [illegible] in the Company's 1973 Annual Report, brought to the Corps's attention at prior hearings, but are just now being incorporated, but not in adequate attention and consideration, in the application and in the EIS.

(4) The supplemental EIS states: "Metal plates will be received by rail, truck, or barge and delivered to the proposed facility where they will be cut to size, formed and assembled by welding into completed tanks or other large metal components." Although heretofore extensive evidence regarding the course of the railroad to Victoria Bluff has been submitted for the record, we find no consideration given in the EIS to the environmental impact of the railroad. As evidence that the railroad is a factual consideration that must be reckoned with now, I quote in part a telegram dated July 30, 1975, from CLI to the Interstate Commerce Commission, Washington, D.C.:

> "We strongly object to the proposed abandonment of line of railroad existing from *** near [illegible] to *** near Levy, a distance of [illegible] miles in Lavaca and Jackson Counties, Texas. [illegible] strongly [illegible] [illegible] for industrial use. In cooperation with the Lavaca Port Navigation Authority we would [illegible] [illegible] for future [illegible]. [illegible], President, Chicago Bridge and Iron Company, Oak Brook, Illinois"

Numerous letters in ICC Finance Docket No. 27398 clearly identify CBI's need for a rail line to its property at Victoria Bluff and otherwise clearly state that: "Port Victoria is a deepwater site and beyond a shadow of a doubt will become an active port." With such evidence in hand we call upon the Corps of Engineers to discuss fully the impact of a rail line, a deepwater port, and in turn channelization of the Gillet [illegible] Chesapeake Rivers. It will be recalled that CBI was a party to the navigational study in 1973 and still requires the channel for the passage of two ships a year mentioned in the revised application.

(5) Further, in view of official findings contained in the South Carolina "Port Royal Sound Environmental Study" regarding the aquifer and fresh water supply in this area, we call on the Corps to make available to the public its engineering study of pile driving planned at Victoria Bluff. Regardless of the view of the CBI official who is reported as saying that the nature of the aquifer here is not understood, we prefer to rely on the "Port Royal Sound Environmental Study" which states that the greatest potential for salt water intrusion into the principal water-bearing zone is found near Victoria Bluff where the low permeability cap is the thinnest. In our view, this hazardous condition should not be treated lightly. Is there not a conflict between the Corps' and the State's studies which should be resolved for the benefit of the public?

(6) Another question that has dropped from sight: What happened to the Interior Department's call for a hydrologic study of the proposed pier and docking channel stated in Assistant Secretary William A. Vogely's letter to Colonel Robert C. Nelson, dated February 24, 1974?

(7) Colonel Wilson, a few minutes ago we heard Mr. William J. Stephens testify that the resolution of the CBI Board of Directors contained authority to purchase land but no authorization to build a plant. Under these circumstances are not the Corps of Engineers, other Federal, State and local agencies and many organizations and individuals really dealing with speculative matters? Until the Company officially acts, how can the Corps be sure of what is going to take place at Victoria Bluff? Until the Company knows what its products will be how can it represent to the public the kind and number of jobs it will have in its operations?

(8) It troubles us that the Corps has seen fit to pick and choose from among CBI's statements in a manner to greatly favor the Company. For example, CBI said for many months that it would build LNG tanks but that it would not otherwise industrialize the area. Why accept those statements in the face of strong evidence to the contrary, for example: The CBI official's statement "The area as we see it in future years will be an industrial area--and that's it." How industrialization of this type can be considered compatible with existing business activities in the area is beyond the comprehension of many knowledgeable people.

We urge the Corps of Engineers to recommend denial of this application as not being in the best interest of the public.

Thank you.

9/4/75

September 3, 1975

District Engineer
Charleston District Corps of Engineers
P. O. Box 919
Charleston, South Carolina 29402

RE: Final EIS, Chicago Bridge and Iron

Gentlemen:

(1) 1. Water runs off from the very large area of paved surface at the work site parking and should, if possible, be routed through a settling pond - filter bed system prior to discharge into the Colleton River. This will prevent accidental discharge of surface pollutants such as oil and lubricant drips and normal fabrication litter from being washed directly into the river.

(2) 2. Although the A scale slow response decibel level will be well within the OSHA guidelines, the writer is concerned with the possibility of sharpe loud noises of short duration in the mid to higher octave range normally associated with metal forming operations. These impact type noises do not show up on the A scale slow response but could well be a severe nuisance factor to adjacent property owners as well as being extremely unsettling to wildlife. What will be the dBA levels and duration of this type of instantaneous noise?

(3) 3. The writer would like a firm commitment from CB&I to construct an osprey nesting platform approximately 60 - 70' in height.

(4) 4. The writer wishes to emphasize the position originally taken by Ogeechee Audubon with regards to future channel depth requirements between the facility at Victoria Bluff and the open ocean. We are adamantly opposed to any new alterations of the Port Royal Sound estuary for navigation purposes. Any navigation channel "improvements" between the CB&I facility and the ocean would clearly be detrimental to the environment. In order that CB&I not be "surprised" at some future date by very strong opposition to navigation channel depth improvements, we are clearly stating our opposition now.

(5) Although [illegible] feel of alternate site although designated for [illegible] CB&I's requirements can be found [illegible]

In closing, we would like to urge CB&I, in the interest of being a good neighbor, to expand as much as possible the buffer zones between its manufacturing areas and adjacent property owners. The 60' buffer between CB&I and the Cramm property would be a much more effective barrier if it were increased to 100' or 110' in width.

Very truly yours,

J. L. Steyaart
Conservation Chairman
Ogeechee Audubon Society

JLS/js

106 Tamassee Drive
Clemson, S.C. 29631
September 3, 1975

Colonel Harry S. Wilson, Jr.
District Engineer
Corps of Engineers
P.O. Box 919
Charleston, S.C. 29402

Dear Colonel Wilson:

I refer to your Notice of Public Hearing, P/N 75 - 86 (Revised) 4 August 1975, concerning the application by the Chicago Bridge and Iron Company (CBI) to divert [illegible] from the Colleton River in Beaufort County, South Carolina. I am writing to express my [illegible] in opposition to the construction of the CBI facilities based on the following facts.

1. There has not been adequate testing of the fresh water supply for this region. As described in your final environmental impact report of this project, the measured water flow from a test well gives a sufficient supply for the anticipated needs of CBI. However, many things are lacking in the report. There is no mention of the water purity. As the highly mineralized water of this area suggests (one readily tastes the sulfur content), the velocity of water flow through the aquifer is extremely small because the water bearing strata must have a small hydraulic pressure gradient. In turn, the low pressure gradient means that the ability of the aquifer to continuously provide fresh water is questionable. Also there is an absence of important factors which make the results of the prior test worthless. I mention how the water table elevation and artesian pressure may vary substantially with seasonal amounts of rainfall and [illegible] of [illegible] about how the testing influences the water table or what kind of weather conditions prevailed. [illegible]

when the water drawn exceeds the supply, we can expect salt water intrusion into all the water wells. It is your responsibility to prevent such a catastrophe.

2. On Saturday August 16, 1975, a resident of Beaufort County (George Parker who lives near the South Carolina highway 170 circle in Seabrook Community) went in the Colleton River in a bateau by himself and caught 3½ bushels of shrimp. During the afternoon, he returned with his wife and daughter and got 1½ bushels of crabs. This seafood was for their personal use, and it represents great wealth when one analyzes the per capital income of residence of the coastal area. This example shows the error of calling the coastal area a financially depressed area. It is in your power to destroy this [illegible] of the Colleton River [illegible]. The Fort Royal Environmental Study and the State of South Carolina proved by a dye tracer testing [illegible] that any contamination at the proposed site [illegible] there is no influx from other [illegible]. The [illegible] population is extensive. If you claim CBI [illegible] that recall that the people who [illegible] design discard trash and [illegible] states [illegible].

The above examples raise two serious considerations about the CBI application. I fulfill at the present time without answers to these questions, you can not turn an [illegible]. Thus, the testing of the water supply and drawing new fresh contamination is permissible in this slight estimate are necessary considerations for any logical solution.

Sincerely,

R. L. Chaplin, Ph.D

[illegible]

[illegible] and [illegible] Corps of Engineers [illegible] CB&I Permit Application [illegible] Plant, [illegible] area. Mr. Franklin Rouse, president of CB&C, has submitted written comments to the Corps' District on the so-called "supplement" to the Corps' final environmental impact statement on behalf of CB&C and its affiliated organizations.

I have just reviewed Dr. Elvis Stahr's October 9, 1975 letter to you about the CB&I matter, and I want to associate my clients, for the record, with the detailed and probing comments made by Dr. Stahr on behalf of the National Audubon Society. We concur completely with his comments and incorporate them by reference as a part of our comments on the CB&I matter.

May I say, Mr. Secretary, that we were impressed with the manner in which you handled this situation as reflected in your June 5, 1975 letter to Mr. Kouka and your June 24, 1974 letter to Dr. Stahr. Your office, at least, was straightforward in letting the Company, us, and the general public know under what circumstances you would grant the permit and under what circumstances you would not. Nothing was hidden, no secret under [illegible]

were applied from [illegible] letters.

Then the matter was referred [illegible] again. [illegible] which the project and the law demand.

Thank you for this opportunity to comment.

Sincerely,

Frederick L. Miller, Jr.

FLM:b

cc: Mr. Franklin Rouse
Mr. Orion Hack
Mr. Marvin Zeldin
Mr. Carlyle W. Blakeney, Jr.
Dr. Elvis Stahr
Mr. Robert B. Smythe
Hon. Nathaniel P. Reed
Mr. Robert White
Col. Harry S. Wilson

PUBLIC HEARING [illegible] Beaufort, S. C. - September 4, 1975

My name is William [illegible] Stevens and I am President of the Association of Sea Pines Plantation Property Owners, Incorporated under the laws of the State of South Carolina. I am here to register the concern of more than fifteen hundred individual property owners who are Association members. Our Board of Directors voted unanimously in support of this presentation.

FIRST - some general observations.

I have, in my business life, known Chicago Bridge & Iron Company for more than thirty years. They are highly regarded by the Construction Industry, a great Company. They are world-wide contractors and fabricators, incorporated 86 years ago. In the United States they operate ten fabricating plants and have a real estate operation. They have other plants throughout the world.

In their Annual Report issued on February 17, 1975, reference is made to their future plans for expansions at Cordova, Alabama, Memphis, Tennessee, Nagasu in Japan, Killala in Ireland, Batam Island in Indonesia, Alberta in Canada and the pipeline project in Alaska.

I searched in vain, in this annual report, for any reference to plans concerning Victoria Bluff, South Carolina. I find it strange, if indeed there has been a positive decision to build a plant at Victoria Bluff, when and if a permit is issued, that there is no reference whatsoever made of their intention to do so. In examination of three financial report reviews, made by three members of the New York Stock Exchange this year, I found there was no reference to Victoria Bluff. Normally, one would expect to find, in the Annual Report and in financial reviews, some mention made of the intention to build a new plant,

EXHIBIT 4

A-32

Page 2

especially if it is in the foreseeable future.

I also note that in the Resolution of the Board of Directors of CBSI there is authority to purchase land, but absent is the specific authority to build a plant.

Let's look at the records. There was a Public Meeting held here on July 26, 1973. At that time I testified that the latitude and longitude specified in the application located the pier in the middle of the Chechessee River, not in the Colleton River as claimed. In the December 1973 Draft Study, page 8, figure 5, it is noted that the derrick remains in the Chechessee River. The Final Environmental Study, December 1974, page 7, figure 5, also places the derrick in the Chechessee River. I was starting to believe that was where the derrick was going to be placed. I am glad to report the Notice of Public Hearing August 4, 1975 has the derrick in the Colleton River, except the claim is made that this is on the North Shore of the Colleton River, while it is actually on the South Shore.

The Final Environmental Study December 1974 and the Supplement of August 1975 merits attention. The latter states that the proposed facility will primarily manufacture L. N. G. aluminum containers with a proviso that, as business opportunities develop, other products may be, I repeat, may be fabricated.

(1) At the Public Hearing on February 20, 1975, I testified there were 15 ocean going tankers, for the transportation of L. N. G., under contract in the shipyards on the Gulf and East Coast, three at the Avondale Shipyards, New Orleans; seven with General Dynamics, Quincy, Mass.; three with Newport News Shipbuilding, Virginia and two at Sun Shipbuilding. All the L. N. G. tanks required for these ships have been provided for. No new tankers are out for bid. I suspect some of the fifteen tankers now under contract will be cancelled or delivery deferred until early 1980-1981.

The entire program for the importation of L. N. G. has run into deep trouble. The Federal Power Commission has [illegible] jurisdiction. All told, seven plant

to import the gas, have been filed, the first one in February 1970. Five years have passed since the first plan was filed and only one has won final, unconditional approval as reported by the Wall Street Journal. One has since been withdrawn. The original price of 63 cents, negotiated with the Indonesian Government in September 1973, has now been renegotiated to $1.25 per million B. T. U.'s. Algeria, the principal source of gas, has also decided to demand higher prices which are still to be renegotiated. They rescinded the original contract last year. The first of the French-built tankers was delivered to El Paso Gas last month. They have no immediate use for this tanker and the owners state it will be tied up in Hagesund, Norway for an indefinite period. Two more tankers will be delivered by the French next year to El Paso Gas and they also will be idle for some time to come.

Newport News have three tankers under contract with El Paso Gas, two to be delivered next year and one in 1977. Avondale Shipyards have three tankers for delivery to them through 1977. Delivery may have to be extended. Some of these new L. N. G. tankers, which cost $100 million, face an idle period of varying duration because technical problems have arisen in Algeria. The problem is to chill large volumes of the gas to minus 259 degrees Fahrenheit. There are also problems in the design of the receiving storage tanks in this country. An empty storage tank on Staten Island, N. Y., caught fire last year and killed 43 workers. The Federal Power Commission state the tanks "present many questions of public safety."

What does this all lead up to? The conclusion is clear. It will be many years before another keel is laid down in a United States shipyard for a tanker to transport L. N. G. It will be many years before a shipyard is awarded a new contract for an ocean going tanker that will require the delivery of L. N. G. containers.

It is stated that [illegible] to be used in ocean going [illegible] Victoria Bluff. The [illegible]

It is claimed on page 51 of the Final E. I. S. that there will be a loss of capacity, to import L. N. G., if the CB&I project does not get final approval. Nothing is further from the facts! The CB&I facility is not needed, and never has been needed, for the importation of L. N. G. To continue to claim justification for the Victoria Bluff facility, on the need for additional capacity to produce L. N. G. containers at this time, is to ignore the realities of today. I fail to understand why the supplement to the final E. I. S. overlooked this factor and allowed the record to stand with the statement that the facility is needed for the importation of L. N. G. and without it there would be a loss of capacity to import L. N. G.

Let the record show that the efforts and policy of the Congress and the Administration are directed to freeing our Country from dependence on imported energy. The progress of time has disclosed, that those who control the gas reserves abroad have taken a page from the O. P. E. C. countries, when it comes to setting the purchase price for their product.

It is to be noted, on page 3 of the Notice of Public Hearing, that Mr. Corps has promised that "The final action will be based on the evaluation of the impact of the proposed activity on the public interest." It is further stated that all factors will be considered, including economic and environmental concerns.

I want to ask these questions.

(2) Is it in the Public Interest, with respect to the economics, to ignore the previous indication that the plant will be built twelve months after the permit is issued, as shown on page 16 of the final E. I. S., and that 400 to 600 persons will be on the job within six months thereafter? We now take note there is now an absence of any timetable for the building of the plant and that initially, only 20 to 30 employees will be hired each month and that the 600 employee level will occur in about three to five years, not six months after the plant is built.

(3) Is it in the Public Interest to ignore the deletion of 300 acres from the buffer zone? The future use of these 300 acres and the 30 acres of filled land, originally to remain in its natural state, is now not constrained in any way. On page 38 of the final E. I. S. it is acknowledged that the impacts of other industry on the local environment are by no speculation.

(4) Is it in the Public Interest to invade the pristine conditions of the Port Royal estuary and start a seaport at Victoria Bluff?

(5) Is it in the Public Interest to issue the requested permit that will forever compromise the future planning for this area and "set a course for heavy industrialization"? The single-purpose pursuit of a possible short term gain can be counter-productive and, as Senator Hollings has written, "in this pursuit, the thoughtful protection of existing or potential benefits, such as wildlife, fisheries and recreation, has too frequently been ignored."

(6) Is it in the Public Interest to risk the condition of the principal fresh water acquifer, a major source of water for this area? The plan, to build the dock and to support the 1000 ton derrick requires that 18" square concrete

piles be driven into the waterway. The number of these piles and the length of the piles are not disclosed in the plan, which is a major omission in the E. I. S. study. The applicant probably knows why these figures were not made public. The drawings show, figure 13 page 24, of the final E. I. S. that the confining beds are 30/40 feet below the water surface. The confining beds are 30/35 feet in depth. On the bottom of the beds and on top of the acquifer there is a protective crust. This Ocala acquifer is the principal source of water for this area and damage to the protective crust would be catastrophic to water quality. It is estimated that the 18" square concrete piles would be driven through the confining beds, through the protective crust and deep into the acquifer. It is noted the statement on page 36 claims that dredging to 27 feet below mean low water "is insufficient to have any effect on underlying acquifers" and this may be so. We notice there is no statement made that driving the concrete piles into the acquifer presents no potential risk of damage to the acquifer. If our fresh water is invaded by salt water, does CB&I, Corps of Engineers or the public pay the bill?

(7) Is it in the Public Interest to overlook the potential truck traffic for incoming raw materials and perhaps an outward flow of finished product? Reference is made to the greater auto traffic density on Highway #278 in the periods of time when people are going to and from work. The large potential truck traffic should have been taken into consideration in the evaluation of the impact of this facility.

(8) Is it in the Public Interest to set up a situation that will continue to cast a shadow over this area. We first had BASF, then Brown & Root. During these unsettled years great uncertainty as to the future use of the area prevailed. If a permit, good for three years is issued, subject to renewal, the uncertainty continues. The final E. I. S. states that other options that have been proposed for land-use at Victoria Bluff include an institution of higher education, a conservation education center, light industrial plants, an executive plant or a

combination of these [illegible]. No affirmative action has been taken to implement these proposals. This, no doubt, is because of the uncertainty of future land use and the kind of environment that will exist. This uncertainty should be removed. Why issue a permit for a plant that will primarily manufacture L. N. G. tanks when the future market for them is indeed dismal, if it exists at all. At best, the potential market is in the mid 1980's. Other products, it is stated, may be produced, I again repeat, may be, only as future business opportunities may develop.

I suggest that the cognizant authorities at the State and County level, together with a voluntary task force of interested business men, get going on a program to develop the area in a way that will be compatible with the surroundings, and in a way that will preserve the pristine conditions of the Port Royal estuary and in a way that will produce economic benefits. I believe it can be done when we all pull together.

Until such time as the Secretary of the Army has given the public definitive and analytical answers to the questions presented, it would be a "Crime Against Nature" and against the interest of all the people in this area, for the Secretary of the Army to issue the permit requested by the applicant.

[illegible]

I will be brief.

In April of 1977, CHI made application for a permit to [illegible] owned land at Victoria Bluff. At that time CHI [illegible] 500 [illegible] this land was the [illegible] needed for their operations [illegible] that [illegible] acreage would be used as a buffer zone. The entire preliminary and final environmental statements were prepared on this basis [illegible] the intention to the Corps of Engineers and to the citizens of this area [illegible] the very [illegible].

① In addition to the [illegible] CHI has [illegible] the Corps of Engineers [illegible] the [illegible] environmental [illegible] study [illegible] the initial impact and the [illegible] effects [illegible] given [illegible] little time [illegible] to evaluate the [illegible]. For example, [illegible] However, [illegible]

② [illegible]

[illegible]

[illegible]

I would respectfully like to request that my remarks at the public meeting be recorded into the record and in particular that section of my remarks that deal with the personal economic involvement of some of our elected officials with the fate of CBI.

Thank you,

Diane S Merrill
Calhoun Plantation
Bluffton, S.C.
29910

RESPONSES TO COMMENTS RECEIVED ON THE DRAFT SUPPLEMENT

Environmental Protection Agency

Discussion of the deletion of 308 acres from the permit request is expanded in Section 3 of this supplement.

U. S. Department of Interior

1. Discussion of the deletion of 308 acres from the permit request is expanded in Section 3 of this supplement.

2. Discussion of a possible railroad is expanded in Section 8.5 of this supplement.

3. When CB&I began in 1971 its search for a plant site, its representative contacted port authorities, chambers of commerce, development commissions, and realtors for assistance. Many sites were inspected and rejected for failure to meet one or more of the eight criteria considered essential by CB&I. The seven-line paragraph in Section 5.012 of the final EIS (Section 4 of this supplement) states in effect that CB&I could not find a site meeting its eight criteria for suitability in the vicinity of areas number 2, 6, 7, and 8. Failure of all sites considered in the vicinity of these four areas to meet one or more of eight essential criteria was ascertained without a detailed investigation. Once CB&I determined that a site was unsuitable, it discontinued any further consideration of that site.

An alternative site is considered to be a site which meets the operational requirements of the applicant. In this sense, areas 2, 6, 7, and 8 were not analyzed alternatives because CB&I has stated these four areas would not serve its needs. Therefore, the position of USDI that unsuitable sites be considered as alternative sites, i.e. suitable sites, appears inappropriate. There are in actuality no alternative sites in these four areas which could be discussed and compared with other alternative sites. See also response number 3 to letter of USDI on page B-75.

4. Discussion of a proposed marine sanctuary has been expanded and updated in Section 5 of this supplement.

5. The suggestion that the Corps contact the National Park Service about the national landmark designation was implemented and the information derived from this contact is reflected in the discussion of this issue in Section 6 of this supplement.

6. Discussion of a possible channel is expanded in Section 9 of this supplement.

7. Discussion of the potential for secondary development of adjacent lands is expanded and updated in Section 8 of this supplement.

S. C. Wildlife and Marine Resources

No response is required.

S. C. Department of Archives and History

No response is required.

S. C. State Archaeologist

The responsibility for survey and salvage of archaeological and historical resources at permit areas was delegated to the Secretary of the Interior by Section 4 of the Archaeological and Historic Preservation Act of 1974, Public Law 93-291. The Office of Archaeology and Historic Preservation, National Park Service was given a copy of the letter from the State Archaeologist and asked to perform surveys and salvage of archaeological historical resources as may be warranted by the public interest.

Beaufort County Development Commission

No response is required.

Hilton Head Public Service Council

1. Drilling logs were not contained in the EIS because very few people would have been able to interpret them. Also as is discussed in Section 7 of this supplement, sufficient information was presented in the EIS to indicate that the proposed action would not affect ground water resources.

2. The Corps' concern with piles is only with the environmental impact of their use. As discussed in Section 7 of this supplement, there is no reason to anticipate any adverse environmental impact from the use of piles. Test pile data would be obtained for load bearing purposes and the need for test pile is at the discretion of the structural engineers. Contrary to the assertion in this comment, not all foundation work requires test pile.

3. The spacing of the pile is a design feature which has not yet been determined. CB&I has indicated that detailed plans and specifications will not be done until the permit is issued; nevertheless, as discussed in Section 7 of this supplement, there is no reason to believe piling would adversely affect the underlying aquifer.

4. The District Engineer proposes to condition any permit issued to CB&I, to require the submission and approval of design and construction methods for piling.

5. The effects of dredging and piling on the freshwater aquifer are discussed in Section 7 of this supplement.

6. CB&I's requirement for fresh water is described in Section 1.11 of the final EIS and consists of domestic water for its work force and a one-time withdrawal of water for proof-testing LNG tanks. Ground water resources are discussed in Section 2.07 and the impact of CB&I's projected withdrawals on these resources is discussed in Section 3.11. The information contained in the cited sections of the EIS is sufficient to support a determination that ground water resources are adequate to meet area needs plus the needs of CB&I. The USGS is now studying the ground water resources of this area and the Corps has requested of the Service an evaluation based on their most recent data of the capacity of existing ground water resources to meet existing area demands plus the needs of CB&I. The following letter indicates that the withdrawals proposed by CB&I should not adversely affect ground water resources.

United States Department of the Interior

GEOLOGICAL SURVEY
Box 615
Yemassee, South Carolina 29945

January 26, 1976

Harry S. Wilson, Jr.
Colonel, Corps of Engineers
District Engineer, Charleston District
Post Office Box 919
Charleston, South Carolina 29402

Dear Colonel Wilson:

In reference to your letter of 23 December 1975, the following information is submitted. In the spring of 1970, Layne-Atlantic Company, Inc. drilled one production well and four observation wells, specifically for the purpose of making a quantitative hydraulic appraisal of the primary artesian limestone aquifer (known locally as the Ocala Limestone Formation) underlying Victoria Bluff, South Carolina.

Results of the aquifer test, obtained by Layne-Western, acting as consultant to Layne-Atlantic, indicate that reasonable values of transmissivity and storage are, respectively, 420,000 gpd/ft (gallons per day per foot width of aquifer) and .0002. Using these figures and a constant pumpage rate of 21 gpm (gallons per minute) or about 30,000 gpd (gallons per day), Exhibit 1 was constructed. As can be seen from Exhibit 1, the effects of the proposed pumpage of 12,000 to 30,000 gpd at Victoria Bluff would be negligible at Hilton Head Island. For example, after pumping at a rate of 30,000 gpd for 100,000 days, the drawdown at a distance of 20,000 feet generated by this pumpage would be only 0.07 foot.

Exhibit 1 is based on the unlikely assumption that there is no leakage of water through the confining bed to replace the water removed by pumpage, that no recharge or discharge barriers are encountered, that natural recharge and discharge are unchanged, and that the aquifer is isotropic and homogeneous. If there were leakage or a recharge barrier, the drawdown, as indicated in Exhibit 1, would be less and at some distance from the pumped well and at some point in time would be zero. As possible evidence for leakage it should be noted that although ground-water withdrawals have increased rapidly at Hilton Head Island during the past few years (estimated average daily withdrawal is 15-20 million gpd), the average yearly potentiometric surface

at the proposed CBI site, Victoria Bluff and at Palmetto Dunes, Hilton Head Island does not show any significant downward trend for the 1974 and 1975 water years (Exhibit 2). Also, numerous water level measurements made at different locations on Hilton Head Island indicate that the average potentiometric surface has not declined any significant amount in the past two years.

Sincerely yours,

Larry R. Hayes

Larry R. Hayes
Hydrologist

LRH:aj
Enclosures

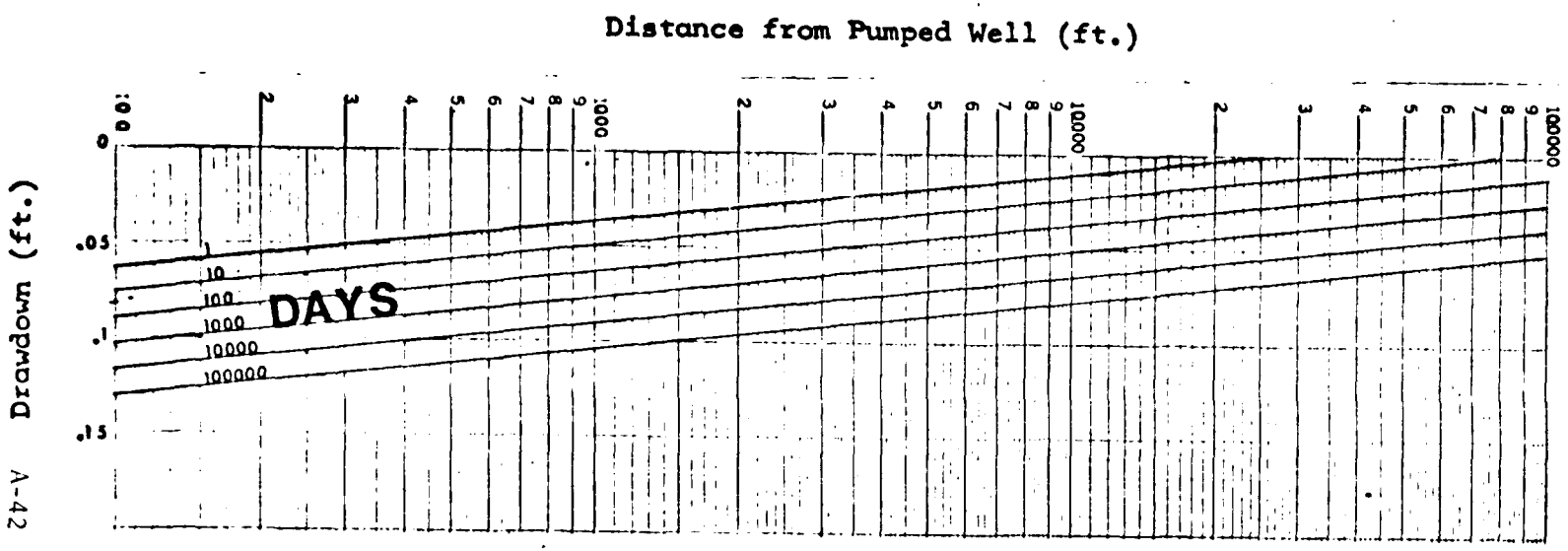


Exhibit 1 - Drawdown generated in potentiometric surface of the Ocalla aquifer by a constant withdrawal of 30,000 gpd at Victoria Bluff, South Carolina.

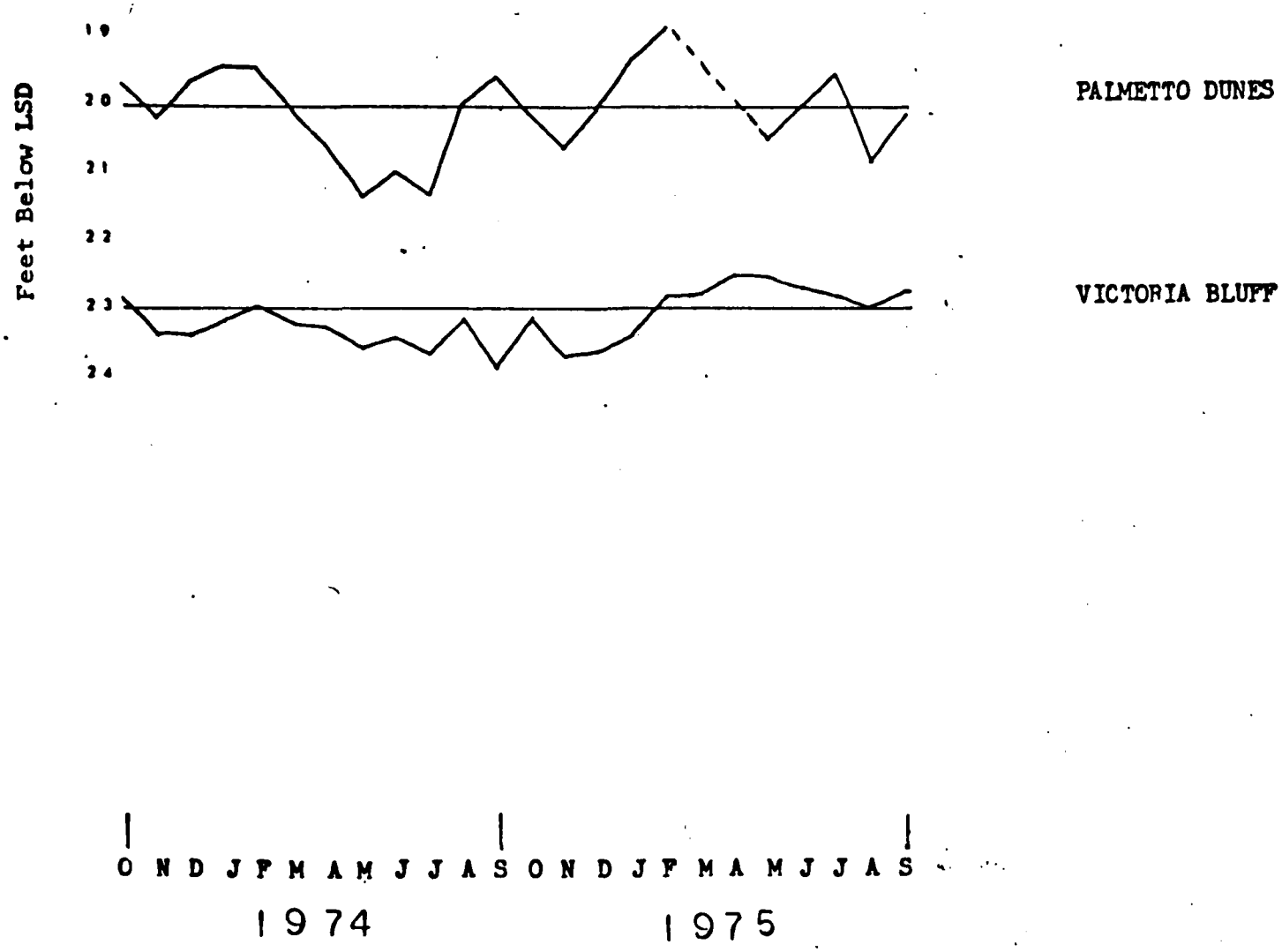


Exhibit 2 - Monthly mean water levels in feet below measuring point, October 1973 to September 1975

F. J. Rawstrom

1. Liquid waste treatment is discussed in Section 5.3.4 of this supplement and Section 1.12 of the final EIS. There will be no effluent into any waterway.

2. CB&I does not have any definite prospects for fabricating products other than LNG tanks. Some other products may require painting, which would be done inside under OSHA standards. If painting is required, any excess paint and cleaning fluids would be disposed of in compliance with applicable Federal and State standards.

3. Any ships moored at the CB&I wharf would be connected to onshore sanitary facilities. Laws and regulations pertaining to oil spills are administered by the U. S. Coast Guard. At peak production CB&I would produce LNG tanks for two ships per year.

4. A similar comment is discussed in response 6 to a letter of the Hilton Head Public Service Council in Appendix A of this supplement.

Hugh H. Gordon

Discussion of a possible channel is expanded in Section 9 of this supplement.

National Audubon Society

1. The letters of comment on the final EIS and responses thereto are contained in Appendix B of this supplement.

2. Discussion of other products is expanded in Section 2 of this supplement.

3. Discussion of a possible channel is expanded in Section 9 of this supplement.

4. CB&I cannot enter into a contract until a plant site has been definitely selected.

5. Discussion of land deleted from the permit request is expanded in Section 3 of this supplement.

6. This supplement contains a detailed discussion of the controversial aspects of CB&I's permit application.

7. Discussion of the marine sanctuary proposal is expanded and updated in Section 5 of this supplement. Responses to comments of USDI and USDC are contained in Appendix B.

W. R. Satterfield

1. The effects of piling on the freshwater aquifer is discussed in Section 7 of this supplement.

2. Discussion of a possible channel is expanded in Section 9 of this supplement.

3. A similar comment is discussed in responses 1 and 2 to the Statement of Coalition for Lower Beaufort County on page B-93 of this supplement.

John C. Stout (Colleton River Area Landowners Association)

1. Discussion of secondary effects is expanded in Section 3 and 8 of this supplement.

2. Discussion of the marine sanctuary proposal is expanded and updated in Section 5 of this supplement.

3. Comments on the draft EIS were addressed in the final EIS. Comments on the final EIS and the responses thereto are attached as Appendix B to this supplement.

Robert H. Stafford

1. The Army Corps of Engineers held several meetings with CB&I to explain Corps requirements for input to an EIS and to apprise the applicant of available sources of environmental information. The environmental report submitted by CB&I was thoroughly evaluated and revised as deemed appropriate by this office in accordance with CEQ guidelines. All appropriate NEPA requirements as set forth by CEQ guidelines have been met. The charge of plagiarism is unfounded since CB&I prepared its report for Corps use as a source document for the EIS.

2. Discussion of the deletion of 308 acres from the permit request is expanded in Section 3 of this supplement.

3. Discussion of the provision for the fabrication of other products is expanded in Section 2 of this supplement.

4. The impact of piling on the freshwater aquifer is discussed in Section 7 of this supplement.

5. CB&I has indicated that fabrication of LNG tanks or related metal products will necessitate the employment of around 600 people. To the maximum extent possible CB&I will hire locally. As long as there is no violation of applicable Federal or State

employment laws, the Corps of Engineers cannot dictate CB&I employment practices and must rely on its assertions that it will hire locally.

S. C. Environmental Action, Inc.

1. A similar comment is discussed in response 6 to letter of the Hilton Head Public Service Council in Appendix A of this supplement.

2. The impact of piling on the freshwater aquifer is discussed in Section 7 of this supplement. See also in Appendix A of this supplement the responses to letter from Hilton Head Public Service Council.

National Audubon Society

1. This interim final supplement contains an expanded discussion of the changes in the original permit request and also summarizes and clarifies the discussion found in the final EIS of the more controversial aspects of the permit application.

2. The comments on the final EIS and draft supplement to the final EIS and responses thereto are attached as appendices to this supplement.

3. Discussion of the proposed marine sanctuary has been expanded and updated in Section 5 of this supplement.

4. The impact of piling on the freshwater aquifer is discussed in Section 7 of this supplement. See also in Appendix A the responses to the letter from the Hilton Head Public Service Council.

5. The comments received on the final EIS and the responses prepared thereto were not distributed to the public unless requested. Neither the Corps nor other Federal agencies routinely distribute comments and responses on final EIS's.

6. The statement cited by National Audubon appears self-explanatory. The Corps did not change its mind, but simply revised a statement to more accurately reflect an evaluation, which is further substantiated in Section 5 of this supplement.

7. The reconnaissance study on a navigation feasibility study of a proposed navigation channel in the Colleton and Chechessee Rivers was commenced by the District at the request of the SCPSA. This reconnaissance study was essentially completed by the District Office, but was terminated at the request of the SCPSA prior to its submission

for review and approval to the South Atlantic Division Office of the Corps of Engineers in Atlanta, Georgia.

8. Additional discussion on possible future events related to the proposed CBJ development has been added to this supplement.

9. The Corps acquired its information on the plans of the State Port Authority by reviewing the deposition given by Mr. Welsh, which is discussed in Section 8 of this supplement, and by asking representatives of the SPA what their plans might be.

10. The Corps did not say that the referenced law would "prevent" further industrial development as is implied by National Audubon, but only said it would "limit" further industrial development. This statement is true, since most of the SPA property which comprises a major part of Victoria Bluff would be transferred to the S. C. Wildlife and Marine Resources Department, an agency having no function in industrial development.

11. CBJ did not prepare any responses to the final EIS.

Coalition for Lower Beaufort County

1. This interim final supplement contains an expanded discussion of the changes in the original permit request and also summarizes and clarifies the discussion found in the final EIS of the more controversial aspects of the permit request.

2. Discussion of the proposed marine sanctuary has been expanded and updated in Section 5 of this supplement.

3. The transcript of the public hearing contains everything spoken into either of the microphones. Because of the large size of the auditorium, statements made away from the microphone may have been missed.

4. Discussion of a possible railroad has been expanded in Section 8 of this supplement.

5. The impact of piling on the freshwater aquifer is discussed in Section 7 of this supplement. See also in Appendix A the response to the letter from the Hilton Head Public Service Council.

6. The question raised by the Department of Interior was addressed in the EIS. No further comments on this question have been made by the Department of Interior.

7. Discussion of the possible fabrication of other products has been expanded in Section 2 of this supplement.

8. Discussion of further industrialization has been expanded in Sections 3 and 8 of this supplement.

Ogeechee Audubon Society

1. Discussion of the impact of surface runoff on water quality is expanded in Section 5.3.2 of this supplement.

2. Much of the loud noise commonly associated with metal fabrication is due to riveting which is being replaced by other techniques. There would be no riveting involved in the fabrication of any of the potential products of the proposed facility nor would there be other operations which would generate sharp, loud noises in the mid to higher octave range. Metal forming in a press emits a low frequency sound and would be performed inside a building which would reduce its noise level.

3. As is discussed in Section 3.06 of the final EIS, a nesting platform is not considered necessary. However, if the Society wishes a commitment, it is suggested that the Society contact CB&I.

4. The opposition of the Society to a new channel is noted. As is stated in the expanded discussion of channel requirements in Section 9 of this supplement, any future proposal for a channel would be submitted to the public review process.

5. Attention is directed to the discussion of alternatives in Section 4 of this supplement.

R. L. Chaplin, Ph. D.

1. A similar comment is discussed in response 4 to letter of F. J. Rawstrom in Appendix A of this supplement. Additional information is also contained in Section 7 of this supplement. Contrary to the assertion in this comment, the effect of the test well on the water table was noted in Section 2.07 of the final EIS.

2. CB&I has indicated that the majority of its work force will be local residents. Therefore, there will be no significant increase in pollution caused by the small number of new residents brought into the area by CB&I.

Law Offices, Duncan, Brown, Weinberg & Palmer

No response is required.

Association of Sea Pines Plantation Property Owners, Inc.

1. Mr. Stephens provides information on shipyards and their contracts for LNG tanks showing that the need for LNG tanks has already been met. On the other hand, CB&I, by virtue of its permit request, considers that a potential market for LNG tanks exists. Realizing the effects of a variable market, CB&I made clear its intention to manufacture related metal products in its recently revised permit application which is the subject of this supplement. Therefore, based on the information at hand, a detailed analysis of market demand for LNG tanks is not warranted. In any event, CB&I does not have any definite commitments and has informed the Corps that it cannot enter into any contracts until it has a definite decision on the application.

2. The EIS indicated that construction of the proposed facility would take "about 12 months", but did not say the facility would be built 12 months after the permit is issued. The EIS also clearly stated that contracts would determine the production rate which in turn would determine the number of employees and hours worked. Notice of Public Hearing dated 4 August 1975 addresses the build up of the work force.

3. Discussion of the deletion of 308 acres from the permit request is expanded in Section 3 of this supplement.

4. The Port Royal estuary is discussed in detail in the final EIS and also in Section 5 of this supplement.

5. The Corps has not yet decided whether or not it is in the public interest to issue the requested permit.

6. The effects of piling on the freshwater aquifer is discussed in Section 7 of this supplement.

7. CB&I has indicated that estimated need for raw materials would require about two trucks per day. All of its products would be shipped by water because of size or weight.

8. See response 5 above. Alternative uses of the area are discussed in Section 4 and 8 of this supplement.

Colleton River Land Owners Association

1. Discussion of other products is expanded in Section 2 of this supplement.

2. Discussion of land deleted from the permit request is expanded in Section 3 of this supplement.

END

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